

# The Plain English Legal Dictionary

Northern Territory Criminal Law



A resource for Judicial Officers,  
Aboriginal Interpreters and  
Legal Professionals working with  
speakers of Aboriginal languages

Aboriginal Resource and Development  
Services (ARDS)  
North Australian Aboriginal Justice  
Agency (NAAJA)  
Aboriginal Interpreter Service,  
Northern Territory Government (AIS)

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## **Cover illustration**

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Derek is a Yolŋu Matha (Djambarrpuyŋu) interpreter with the Aboriginal Interpreter Service.

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## **Contact information**

ARDS – [www.ards.com.au](http://www.ards.com.au) (08) 8984 4174

NAAJA – [www.naaja.org.au](http://www.naaja.org.au) 1800 898 251

AIS – [www.ais.nt.gov.au](http://www.ais.nt.gov.au) (08) 8999 5111

Please email Ben Grimes ([ben.grimes@outlook.com](mailto:ben.grimes@outlook.com)) for any comments or suggestions for improvement.

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## About this dictionary

### The need

The 2011 census identified that 65% of Aboriginal Territorians speak an Aboriginal language at home. Whilst no data is available from the courts and police as to what percentage of victims, witnesses and defendants speak an Aboriginal language as their primary language, it is undoubtedly a very significant number.

Over 85% of the Northern Territory prison population is Aboriginal. Based on these numbers, it is likely that over 50% of the Northern Territory prison population speak an Aboriginal language as their primary language.

In 2014, the Aboriginal Interpreter Service delivered over 15,000 hours of legal interpreting in the Northern Territory. This figure does not represent the total need for interpreters, as interpreters are still underutilised within the legal system.

Judicial Officers and other legal professionals often recognise that a victim, witness or defendant is struggling to understand some aspect of the communication process. Despite this, there are very few resources that provide practical guidance on how to communicate legal terms in ways that best suit speakers of Aboriginal languages.

There are major differences between English and Aboriginal languages at several levels. English and Aboriginal languages come from vastly different language families. They have completely different grammatical systems, and particularly in the area of abstract concepts, there are rarely equivalent words. Aboriginal languages have many words and ideas that are not found in English, and vice-versa. On top of this, the conceptual background that provides the framework for understanding legal English is often significantly different between a native speaker of English and a person who grows up speaking an Aboriginal language. Interpreting or explaining English legal terms into Aboriginal languages is a much more complex exercise than transferring legal terms from English into other European languages, which share a much more similar vocabulary and conceptual background.

Professional, trained legal interpreters go a long way towards alleviating some of these communication barriers. It takes years of experience and training, however, to become a competent court interpreter, and the difficulties involved in efficiently and accurately interpreting complex legal terms into Aboriginal languages cannot be overstated. The way that Judicial Officers, legal practitioners, police officers and other professionals speak will directly affect the quality of interpreting that an interpreter can provide. If an interpreter cannot understand the meaning of what is being said, they cannot interpret accurately.

Good communication within the legal system is a joint responsibility between Judicial Officers, legal professionals and interpreters. This dictionary is an attempt to share that responsibility and put Aboriginal interpreters and legal professionals 'on the same page' about the difficulties involved in communicating commonly used legal terms. It will allow Judicial Officers and legal professionals to speak in ways that assist interpreters, which will allow the interpreter to assist speakers of Aboriginal languages to communicate more fully and accurately, which will in turn greatly assist every stage of legal proceedings.

## The aim

This dictionary attempts to define Northern Territory criminal law terms using a style of English that closely matches the lexicon (words), syntax (grammar) and discourse (genre & logic) of Aboriginal languages. In short, we have tried to provide definitions that will be relatively easy to interpret into Aboriginal languages. By extension, these definitions will be much more accessible to speakers of Aboriginal languages, even without an interpreter.

In our definitions, we have attempted to only use words where there is a close match for that word in many Aboriginal languages. We have also tried to use grammatical structures (the order of the words and internal logic of the sentence) that are relatively transferrable into Aboriginal languages.

We differentiate the term 'plain English' from 'simple English'. This dictionary is not an attempt to simplify or 'dumb-down' legal terms. Plain English is about better understanding your intended audience, and speaking in a way that most accurately and clearly communicates to that audience. Plain English attempts to avoid words that will cause confusion or ambiguity, and to express concepts in a way that makes the most logical sense to the audience.

For most legally trained native speakers of English, speaking in plain English will be far more difficult than using complex legal terminology. Using plain English, however, is a skill that can be learnt and developed.

## The process

This dictionary has taken four and half years to complete. The creation of these definitions involved repeated discussions between lawyers, linguists, translators and interpreters.

Firstly, a criminal lawyer would draft a definition using as plain English as possible, whilst attempting not to use other legal words within the definition. This definition was then given to a linguist with expertise in Plain English and Aboriginal languages, to 'translate' into Plain English. This was then given back to the original lawyer to check, back and forth between the lawyer and linguist until they were both satisfied with the legal and linguistic quality.

Once a large number of definitions had been prepared, a larger team of several lawyers and linguists met to review the definitions. Even at this stage, there was often significant discussion and compromise needed. It was not uncommon to spend 30-45 minutes on a single definition in order to arrive at a place where the lawyers were satisfied with the legal accuracy and the linguists were satisfied that the definition didn't contain any language that would be problematic to translate into Aboriginal languages.

After the first 150 terms were defined in this way, ARDS translators translated the definitions into Yolngu Matha. This translation process was crucial, as it gave real-life insight into how easily these definitions were able to be transferred into an Aboriginal language. This process highlighted a number of words and grammatical features that caused difficulty in the translation process.

A full revision of all 300+ terms was then done, incorporating the additional insights gained from the translation process.

At this stage of the process, a number of definitions were tested with linguists and interpreters from a variety of Aboriginal languages, to ensure that the definitions had as broad an application as possible. Checking was done with languages from both the Top End and Desert regions, and with both prefixing and non-prefixing languages. On the whole, this process highlighted relative consistency across the Aboriginal languages we used, however there were a number of words and grammatical features that we found worked for some languages but not others.

Towards the end of the process, significant effort was made in consistency checking, to make sure that all definitions followed a similar style and that to the greatest extent possible, concepts were defined consistently across different definitions.

## A balancing act

In creating these definitions we had to balance a number of competing demands. Briefly, these were;

**Information load: succinct vs comprehensive** – Many legal terms are extremely dense abstract nouns. To fully unpack a term to a lawyer’s satisfaction could easily take pages of text. On the other hand, when interpreting in court, interpreters need a short, succinct phrase to substitute for words where there is no equivalent in their language. We had to weigh up the information load of our definitions; too little information and the definition wouldn’t make sense. Too much information and a person trying to understand the concept for the first time would be overwhelmed and lose track of which parts of the definition were the most important. As a result, these definitions are not intended to be exhaustive definitions. Rather, they aim to provide the primary sense of the word to a person who may be trying to understand the concept for the first time.

**Target audience: Interpreters vs lawyers** – We had multiple target audiences for this dictionary; Judicial Officers, legal professionals (ranging from lawyers, police and corrections officers) and Aboriginal Interpreters. A definition that suited a judge may not suit an interpreter, and vice-versa. We constantly asked ourselves, ‘would a judge use this definition in court?’ and ‘will an interpreter be able to easily use this on a job?’ We needed to find phrasing that closely reflected Aboriginal languages, but still was a natural and widely acceptable way of speaking English.

**Using vs not using legal words within the definitions** – When you read a ‘normal’ legal dictionary, the definition of one legal term will be full of other legal terms. This makes the definitions difficult for people who don’t already have an understanding of the law. We have tried to minimise the use of legal terms within the definitions themselves. However, many legal words can only be understood with reference to other legal words. If we removed all legal words within a definition, the definition itself would become extremely long. Thus, we had to strike a balance as to how many other legal words we could use in a definition. Legal terms used in definitions are marked with **this font** to indicate that it is a legal term that is defined elsewhere in the dictionary.



**Gender** – The choice of which gender to use in English is always difficult. In many ways, however, this question is irrelevant when interpreting into Aboriginal languages as most (not all) Aboriginal languages use gender neutral pronouns. In other words, there is one word for he/she and him/her. This means that the gendered pronouns in the English front-translation will often disappear when they are interpreted into Aboriginal languages. In this dictionary we have used both female and male gendered pronouns. To keep it simple, all defendants are male, and everyone else (judges, lawyers, police, witnesses) is female.

We did not use ‘they’ and ‘their’ for a non-gendered singular pronoun. Whilst this option can work with native speakers of English, it easily causes confusion with those who speak English as a second language. ‘They’ and ‘their’ have multiple meanings; third person plural and first person non-gendered singular. It was our experience that most speakers of Aboriginal languages would understand or interpret ‘they’ as the plural form (which is the primary sense of the word). This causes confusion if the word was intended as the singular form.

In order to make the definitions as succinct as we could, in this dictionary we use the term ‘judge’ to refer to both a Magistrate and Supreme Court Judge. We use ‘defendant’ to refer to both an accused and a defendant.

## How to use the definitions

The definitions are divided into several parts:

### The legal term being defined

Part of speech

A short one or two sentence definition. This definition is primarily aimed at interpreters, to provide a one sentence phrase that can be substituted or added to the legal term they are interpreting. It is a short ‘summary’ of the word being defined.

Following this, there may be a further definition that fleshes out the short one sentence definition.

**More information:** This section provides background or procedural information that attempts to link or contextualise the word with other legal terms.

**Example:** This section provides a short example to illustrate the term.

**Suggestion:** This is aimed at judicial officers or legal professionals, and gives direct speech suggestions about how they might talk about the legal term.

**Related words:** this provides cross-references for other legal words used in the definition or other words that will help understanding the legal word being defined.

**What is this word about?** This lists a broad category that the term fits into, so that the user can see, in general terms, what the word is about. For example, ‘sentencing’.

**Read the story.** Every word is linked to one of 11 stories, which are located at the end of this dictionary. These stories provide a narrative, so that the reader can see how this word is used in context or where the word fits into the broader story of a person in the criminal justice system. These stories will be particularly useful in a community legal education context.

## The categories

Each term in this dictionary fits into at least one category. In the electronic and online version of the dictionary you can view words by category.

**Bail** – words about bail laws and process

**Court** – words about court process or etiquette

**Evidence** – words about types of evidence, and the admissibility of evidence

**Government** – words about how the government works and government institutions and roles.

**Laws** – specific laws or legal rules

**Lawyers and clients** – words about the relationship between lawyers and clients

**Legal documents** – any legal term that is a piece of paper, ie indictment.

**People** – any person or role within the legal system

**Police** – people, laws and actions relating to police officers

**Prison** – people, processes and rules about prison

**Sentencing** – how a judge sentences, and difference types of sentences

## Final thoughts

This dictionary is also available online at the ARDS website ([www.ards.com.au](http://www.ards.com.au)) and in a stand-alone downloadable program. The stand-alone package is the most powerful version of the dictionary; it contains more photos, more links, a search function and other tools that will assist a frequent user.

Creating the dictionary has very much been a team effort that required constant debate and compromise. The lawyers were worried about the linguists losing the subtlety, nuance and complexity of the legal terms, and the linguists would equally shake their head at the nonsensical way that English is used within the legal system and lawyers' inability to speak plainly – but this, of course, was the beauty of the process.

If you find any aspect of the dictionary deficient, please do not pass judgement on any individual contributor, but rather let us know your thoughts so that each version of the dictionary will be an improvement on the last.

## The contributors

Dr Marilyn Mclellan – ARDS, AIS

Howard Amery – ARDS

Will Crawford – NAAJA

Peter Bellach – NAAJA, AIS

Steve Swartz – AIS

Ben Grimes – NAAJA, AIS



## A little bit of linguistics

### Words we avoided in this dictionary

Word	Reason	Alternatives (depends on the context)	Example
<b>Probably</b>	No close equivalent in most Aboriginal languages.  Indicating % of possibility/probability is very difficult in many Aboriginal languages.	'will' - will in many Aboriginal languages contains an element of uncertainty. 'I will go to Darwin tomorrow.' = 'I will probably go to Darwin tomorrow.' Implied in the use of will is that there are many things that might occur to change the expected outcome.  Can also use 'I think' to indicate some level of uncertainty.	You will probably be sent to jail for committing serious harm. → Because you broke this law, I think the judge will send you to jail. Maybe she will not, but I think she will.
<b>Possibly</b>	No close equivalent in many Aboriginal languages	'might' 'maybe'	You possibly can get bail. → The judge might give you bail.
<b>Usually, often</b>	Expresses degrees of probability – no close match in many Aboriginal languages	Remove from the sentence. 'I think' 'maybe'	Someone with your criminal record would not usually get bail. → Because of the many times you broke the law before, I do not think the judge will give you bail.
<b>Abstract nouns</b>	These are intangible, and often do not have a close equivalent in Aboriginal languages	Change to an adjective or verb	Imprisonment → 'Staying in prison' or 'when the judge sent you to prison'
<b>Important</b>	Meaning is ambiguous; what is 'important' is culturally and context dependant; no equivalent that matches the full range of the English meaning	Usually just remove – it doesn't significantly change the meaning.	An important message from the government. → A message from the government.

<b>Serious</b>	Meaning is culturally and context dependant; no equivalent that matches the English range of meanings	Define what makes something serious	This is a serious crime. → This is a serious crime, that is, the law says you might go to jail for 14 years or more.
<b>Could/would</b>	Expresses possibility and uncertainty.  A wide range of meanings in English	'might' 'maybe' 'is allowed to'	He could be released on bail next week. → The judge might give him bail next week.
<b>Should</b>	A wide range of meanings in English.  Can express possibility or social/moral expectations. 'you shouldn't do that.'	'might' 'will' 'the [law] says he must...' 'you are allowed to...I think it is good to do that.'	You should talk to a lawyer before you talk to police. → The law says you are allowed to talk to a lawyer before you talk to the police. I think it is good for you to talk to a lawyer.
<b>Have to</b>	Multiple meanings 'have' = possess.  'Have to' also has a wide range of meanings in English. 'I have to check my email.' 'You have to report to police.'	'must' 'is required to'	You have to report every Wednesday. → Every week, you must report on Wednesday.
<b>Don't have to</b>	Often understood as 'must not' (the opposite of have to)	Use 'you decide about...' or 'Maybe you can...or maybe you can...'	You don't have to answer questions. → You decide about answering these questions. Maybe you want to answer, maybe you don't want to answer.
<b>Matter</b>	Multiple meanings in English – ie 'it doesn't matter', 'what is the matter?', 'this matter is adjourned'	Replace with 'court case'	
<b>Can</b>	This word has multiple meanings in English – physically can, socially can, permission or might. 'Police can take that evidence to court.'	'is allowed' 'has the power to' 'might' 'will'	Police can arrest someone who breaks the law. → The law says police have the power to arrest a person who breaks the law.

<b>Need</b>	This word has a wide range of meanings in English (want, desire, must, require). 'I need medical treatment.' 'I need some coffee.' 'I need to take your instructions.' 'what do you need?'	'must' 'will' 'want'	Before you can go, you need to sign your order. → You must sign your name on this order, then you can go.
<b>Unless</b>	This word reverses the chronological order of clauses within a sentence.  No close equivalent in many Aboriginal languages	Reverse the order of the clauses	You cannot go unless you get permission. → You must get permission, then you can go.
<b>Instead</b>	Requires an abstract/hypothetical substitution. No close equivalent in many Aboriginal languages.	'will / will not'  Remove from sentence	The judge will give you community work instead of jail. → The judge decided she will not send you to jail. She will make you do community work.
<b>Under the law</b>	'under the law' did not make sense conceptually	Replace with 'from the law' or 'the law says that'	Police have power under the law to search your house. → The law says that police have the power to search your house.

### Sentence structure

	Example	Change to
<b>Always put cause before effect</b>	I'm arresting you because you breached your orders.	The judge gave you rules. You didn't obey these rules. That is why I'm arresting you.
<b>Always put sentences and clauses in chronological order</b>	I'm giving you a discount because of your guilty plea.	You pleaded guilty. That is why I am making your punishment smaller.
<b>Minimise the use of passives</b>	He was jailed. He was arrested.	The judge sent him to jail. The police arrested him.
<b>Unpack implicit information</b>	You breached your orders.	When you were in court, the judge gave you rules to obey. You did not obey those rules.

## A – a

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### Aboriginal Interpreter Service *n.*

The Northern Territory Government has a service that provides **interpreters** who speak Aboriginal languages and English. It is called the Aboriginal Interpreter Service or 'AIS'.



**More information:** Interpreters work in **court**, with **defence lawyers**, **prosecutors**, **PPOs** and **police officers**. Any **suspect**, **defendant**, **victim** or **witness** can ask for an interpreter, so that he can tell his story using his own language, and to make sure he understands everything people say.

*Related words:* **interpreter**; **interview**; **accused**; **defendant**; **offender**. *What is this word about?* **people**. *Read the story:* **Story 3: Police Interviews**, **Story 7: Contesting a case in the Magistrates Court**.

**abscond** *v.* Abscond means to leave or run away from a place without proper permission. It is also when a person does not come to court on the date when a judge or police officer tells him to come to court.

**More information:** When a **judge**, **police officer** or **PPO** tells a person to stay at a place, maybe a house, rehab centre or the prison, that person cannot leave that place. When the judge, police officer or PPO gives that person permission to leave that place, then he can leave. When the judge, police officer or PPO does not give that person permission to leave that place, and that person leaves, this is called **absconding**.

When a judge or police officer gives a person **bail**, and that person does not come to court at the proper time, it is called absconding. When a judge gives police a **warrant** to **arrest** a person, and police cannot find that person, that person has absconded.

*Related words:* **jurisdiction**; **arrest**; **prosecution**; **bail**; **police**; **law**; **judge**; **PPO**. *What is this word about?* **laws**. *Read the story:* **Story 5: Getting a case to court**.

**accomplice** *n.* An accomplice is a person who helps another person break the law.

*Related words:* **common purpose**. *What is this word about?* **people**. *Read the story:* **Story 2: Offence and Police Investigation**.

**accused** *n.* In the **Supreme Court**, the person who **police** say broke the law is called the accused.

In the **Magistrates Court**, that person is called the **defendant**.

*Related words:* **Supreme Court**; **Magistrates Court**; **police**; **law**; **defendant**. What is this word about? **people**. Read the story: **Story 4: Inside a Court Room**.



**acquit** *v.* Acquit is when a **magistrate** or **jury** decides that a person did not break the law.

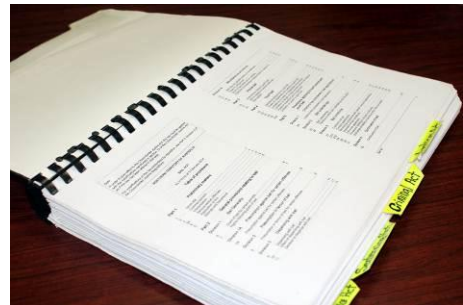
When a magistrate or jury listens to the **evidence** in court and does not believe that the **defendant** broke the law, they will acquit the defendant and set him free from the **charge**.

*Related words:* **charge**; **magistrate**; **jury**; **defendant**; **not guilty**; **evidence**. What is this word about? **court**, **evidence**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**Act** *n.* An Act is a law made by parliament.

When a **parliament** wants to make a new **law** they write it down and the members of parliament discuss reasons why this will or won't be a good law for Australia's people. Then the members of parliament vote on it. When most members of parliament vote to accept it, it becomes an Act.

An Act is law and it has power as law. Then the parliament will write the Act in books and the internet so that people can read it and know about it and follow it. It is sometimes called an '**Act of Parliament**'.



**More information:** The Commonwealth Parliament, and the State or Territory parliaments make Acts. Usually each Act is about one area of law, like these:  
- Traffic Act. - Misuse of Drugs Act. - Property Act.

*Related words:* **legislation**; **parliament**. What is this word about? **laws**, **government**. Read the story: **Story 1: Laws in Australia**.

**Act of Parliament** *np.* This is another name for **Act**.

*Related words:* **Act**. What is this word about? **laws**. Read the story: **Story 1: Laws in Australia**.

**acting in concert** *v.* This is another name for '**common purpose**'.

What is this word about? **laws**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**adjourn** *v.* Adjourn is when a **judge** does not finish deciding a **court case**, so she tells people to go home and come back to court on another day.

The judge will tell the **defendant**, the **defence lawyer** and the **prosecutor** what date they must come to court. They must obey the judge and come to court on the date the judge tells them.

**More information:** When a judge adjourns a court case, it means the case is not finished yet. When a defendant is in **custody** and the judge adjourns the court case, the defendant will go back to jail to wait until the date when he will come back to court.

*Related words:* **defendant**; **court**; **judge**; **prosecutor**; **remand in custody**. *What is this word about?* **court**. *Read the story:* **Story 5: Getting a case to court.**

**adjournment** *n.* When a judge **adjourns** a **court case** to a later date, it is called an 'adjournment'.

**Example:** Sometimes a **lawyer** will say to the **judge** "Your Honour, I am requesting an adjournment." This means the lawyer is not ready to finish the case and is asking the judge to give permission to come back to court on another day to finish the case.

*Related words:* **adjourn**. *What is this word about?* **court**. *Read the story:* **Story 5: Getting a case to court.**

**administer an oath** *v.* In court, when a court worker or **judge** asks a **witness** "Do you swear by God to tell only a true story to the judge?" this is called 'administering an oath.'

**More information:** The law says that all witnesses who tell their story in court must tell the true story. Before a witness is allowed to tell her story in court, first she must make a promise to tell only the true story. This promise is called an 'oath' or 'affirmation'.

*Related words:* **oath**; **affirmation**; **witness**; **court**; **evidence**; **judge**; **court orderly**. *What is this word about?* **court**. *Read the story:* **Story 5: Getting a case to court.**

**admissibility** *n.* This word comes from **admissible evidence**. Admissibility means "will the **judge** allow this **evidence** come into the court, or not allow this evidence come into court?"

*Related words:* **admissible evidence**. *What is this word about?* **evidence**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**admissible** *adj.* This is another name for **admissible evidence**.

*Related words:* **admissible evidence**. *What is this word about?* **evidence**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**



**admissible evidence** *n.* There are laws about what **evidence** a judge or **jury** are allowed to think about when they decide a **court case**. Evidence that the law allows a judge or jury to think about is called 'admissible evidence.'

Evidence that the judge or jury is not allowed to think about is called 'inadmissible evidence'.

**More information:** When a judge or jury decide about a court case, they must only think about the story (**evidence**) they hear in the court room. The judge or jury will not talk to other people outside the court room to help them decide.

Sometimes the **prosecutor** and **defence lawyer** cannot agree if some evidence is **admissible** or not. The judge will say if she will think about that evidence when she decides. When the evidence is not admissible, the judge must not think about it.



Also in a jury trial, the judge will not allow the jury to see or hear this evidence when the jury is deciding about the case. When a judge decides if some **evidence** is **admissible** or not admissible it is called a '**voir dire**'.

*Related words:* **evidence**; **voir dire**; **magistrate**; **judge**; **jury**; **prosecutor**; **defence lawyer**. What is this word about? **evidence**, **court**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**admission** *n.* An admission is when a person tells a story or says something, and the words he says show that he broke the law.

When a person says to any other person, "I did that thing," and it was something that broke the law, his words **admit** that he broke the **law**. This is called an admission.

**More information:** Maybe a person does not understand that the story he is telling is a story about breaking the law, but that is still an admission. The **police** can take that admission to **court** to show to the **judge**. This admission is a kind of evidence and will help the judge or jury decide if the person broke the law.



*Related words:* **admit**; **law**; **judge**; **court**; **police**; **evidence**; **jury**. *What is this word about?*  
**evidence**. *Read the story:* **Story 3: Police Interviews**.

**admit** *v.* Admit is when a person tells any other person that he did something that broke the law.

When a person 'admits' that he did something, that person agrees that he did that thing.

*Related words:* **admission**. What is this word about? **evidence**. Read the story: **Story 3: Police Interviews**.

**adult** *n.* The law says an adult is any person who is 18 years old or older. The **law** thinks about adults differently from **youth**.

*Related words:* **juvenile**; **law**; **youth**. What is this word about? **people**. Read the story: **Story 3: Police Interviews**.

**adversarial system** *n.* Adversarial system is a name that explains how the **court** works.

This is a way of working out who is right according to the law when people do not agree with each other. The word adversarial means that there are two sides in court, and the two sides are like enemies and they don't agree with each other. The judge is in the middle between the two sides.

Inside the court the two sides test each other's story, and say what is weak in the other side's story. The two sides will decide what they agree about and what they do not agree about and they will tell the **judge**. Where they do not agree, the judge will decide who is right according to the **law**.

In criminal law, the two sides are called **prosecution** and **defence**, but the judge is the only person who decides what will happen.

**More information:** Each side usually has a **lawyer**. The lawyer on each side tells the judge the story for that side. Each side tries to tell the judge the things that make their **case** strong, and the things that make the other side's **case** weak. Each side tries to get the judge to decide the way they want, but no one can force the judge to decide the way they want.

The judge is required by law to let each side tell their story, and she must listen carefully to all the information that they bring to the court. After the judge listens to the story from each side, the judge is required to give his decision.



The judge is the only person who decides what will happen. The judge is a neutral or impartial person who is not related to anyone on those two sides.

The judge must always think like this, "It does not matter to me who wins. I only decide according to the law."

*Related words:* **judge**; **lawyer**; **prosecutor**; **decision**; **verdict**; **burden of proof**; **judiciary**; **case**. *What is this word about?* **court**. *Read the story:* **Story 1: Laws in Australia**.

**affidavit** *n.* An affidavit is a witness' story that is written down on law-paper.

Sometimes a **witness** will write her story on paper for the judge to read. When the witness finds it hard to write in English, another person will write the story on paper and the witness will sign her name on that paper. That paper is called an affidavit.

**More information:** When the witness signs that paper, she is saying, 'My story is true.' If the witness has lied in that story and signed her name, she has broken the law and the **judge** might punish her for lying in the affidavit. Sometimes a witness will write her story and also go to court to tell her story.

*Related words:* **judge**; **witness**; **oath**; **affirmation**. *What is this word about?* **legal documents**. *Read the story:* **Story 5: Getting a case to court**.

**affirmation** *n.* An affirmation is a promise to tell the true story.

When a person is a **witness** in court, she must promise to tell the true story. If she does not want to promise this to God with an **oath**, she can just promise to tell the true story. In **court**, the **judge** will say, "Do you promise that everything you say will be true?" The witness will answer, "Yes, I promise." When a person says that in court, her words are called an affirmation.

**More information:** When a witness lies after she makes an affirmation, she is breaking the law, and maybe the judge will punish her.

*Related words:* **witness**; **court**; **magistrate**; **crime**; **oath**. *What is this word about?* **evidence**, **court**. *Read the story:* **Story 5: Getting a case to court**.

**aggravated** *adj.* Aggravated is a word used to talk about **charges**. When a charge is 'aggravated', it is worse. It is more serious, that is, the law says there is a bigger punishment (**sentence**) for that charge.

Many charges might be aggravated. For example, aggravated **assault** or aggravated **robbery**.

**More information:** The law says what things will make a charge worse (**aggravated**). For example, the law says that when an **offender** assaults a victim, and the offender uses a weapon, the charge is 'aggravated assault'. When the offender is a man and the victim is a woman, it is aggravated assault. When the offender is an **adult** and the victim is a child, it is aggravated assault.

*Related words:* **charge; assault; sentence; offender**. *What is this word about?* **laws**. *Read the story:* **Story 2: Offence and Police Investigation, Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**agreed facts** *n.* The agreed facts is the story written down on law-paper about what a person (**defendant**) did when he broke the law. When a defendant **pleads guilty**, the **prosecutor** will give this paper to the judge.

The story is called the agreed facts because the **defence lawyer** and prosecutor must agree about the story, then the judge will hear that story.

**More information:** When a **defendant** decides to plead guilty to a **criminal offence**, the defence lawyer will first ask the defendant about what happened. The **defence lawyer** will then speak with the prosecutor and talk about the story. The parts of the story where they both agree are called the **agreed facts**.

The prosecutor then writes down this agreed story and gives this law-paper to the **judge** so that the judge knows what the **defendant** did. The judge will think about this story when he **sentences** the defendant.

*Related words:* **precis; evidence; guilty plea; plea of guilty**. *What is this word about?* **court, evidence, legal documents**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**AIS** *n.* This is another name for **Aboriginal Interpreter Service**.

*Related words:* **Aboriginal Interpreter Service**. *Read the story:* **Story 3: Police Interviews, Story 7: Contesting a matter in the Magistrates Court.**

**allegation** *n.* An allegation is when a person or a **police officer** says that a person has broken the law.

**More information:** When a story is called an allegation, this means that people do not know if the story is true or not true. Maybe the story is true. Maybe the story is not true. The police will make that person go to court so that the judge will decide what the true story is.

*Related words:* **evidence; innocent until proven guilty; innocent; prove; verdict**. *What is this word about?* **evidence**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**alleged** *adj v.* Alleged is a word that people use to talk about a person or the things that maybe he did to break the law, when that person has not yet said **guilty** in court. Alleged means that **police** say this is what happened, but people do not know yet what the true story is. Maybe the story is true. Maybe the story is not true. A judge will decide what the true story is.

**Example:** In court, the **prosecutor** will say 'The offender allegedly stole the car.'

This means that the prosecutor cannot say yet that the defendant stole the car. Maybe the **defendant** is the person who stole the car. Maybe he is not the person who stole the car. After a judge says the **defendant** is **guilty**, people do not use the word 'alleged' anymore, because they know that the story is the true story.

*Related words:* **allegation**. What is this word about? **court**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**allegedly** *adv.* This word comes from the word **alleged**.

*Related words:* **alleged**. What is this word about? **court**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**antecedents** *n.* This is the story on a law-paper showing this about a **defendant**:

- every time a judge said he was guilty and the judge punished him.
- every time a judge said he was not guilty.
- every time he missed court and had a **warrant** for his **arrest**.
- every time police **charged** the defendant, and then took those charges away.

*Related words:* **defendant**; **warrant**; **arrest**; **criminal record**; **criminal history**; **charge**.  
*What is this word about?* **legal documents**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**appeal** *v & n.* Appeal means to ask a more powerful **judge** to change what another judge decided about a **court case**.

When a **magistrate** in the **Magistrates Court** decides a **court case** and one side, either the **defence** or the **prosecution**, thinks the magistrate is wrong, they can appeal to the **Supreme Court**. This means that either side can ask a judge in the Supreme Court to change the magistrate's decision.



**More information:** When a Supreme Court judge decides that a magistrate decided the wrong way, the Supreme Court judge can change what the magistrate decided. If one side thinks that the Supreme Court judge decided the wrong way, they can appeal to three judges in the Court of Appeal. If one side thinks that the Court of Appeal decided the wrong way, they can appeal to the High Court in Canberra.

*Related words:* **Magistrates Court**; **court case**; **defence lawyer**; **prosecution**; **Supreme Court**; **judge**; **magistrate**. *What is this word about?* **court**. *Read the story:* **Story 9: The Supreme Court will decide the most serious cases.**

**appear in court** v. Appear in court is when a **defendant** goes into a courtroom and the **judge** sees the defendant and then hears the defendant's **court case**.

A judge, **court orderly** or **police officer** will tell the defendant what time and date he must go to court. The defendant must go into the courtroom on this day.

**More information:** When a police officer writes on law-paper that a person broke the **law**, the police officer has **charged** that person. Then she will tell that person when to go to **court**. The police officer will say, "You must appear in court on that date". On that date, the person must go into the court room so the **judge** can see him. Another name for this is 'court appearance'.



*Related words:* **suspect**; **police**; **law**; **charge**; **court**; **judge**; **adjournment**; **bail**; **court room**. *What is this word about?* **court**. *Read the story:* **Story 3: Police Interviews.**

**apply** v. Apply means to ask for something.

In **court**, apply means to ask the **judge** to do something, like asking the judge to give the defendant **bail**.

*Related words:* **bail**; **apply for bail**; **judge**; **court**. *What is this word about?* **6 Bail applications in the Magistrates Court, court, bail**. *Read the story:* **Story 6: Bail applications in the Magistrates Court.**

**apply for bail** v. This is another name for **bail application**.

*Related words:* **bail application**. *What is this word about?* **6 Bail applications in the Magistrates Court, court, bail**. *Read the story:* **Story 6: Bail applications in the Magistrates Court.**



**apply for parole** *v.* 'Apply for parole' is when a prisoner asks the **Parole Board** if he can be let out of jail on **parole** after the prisoner's **non-parole period** is finished.

*Related words:* **parole application**; **non-parole period**; **parole**; **Parole Board**; **prison**; **sentence**. *What is this word about?* **sentencing**, **prison**. *Read the story:* **Story 11: Parole**.

**arraign** *v.* Arraign means to read a charge to the **accused** at the start of a **trial** in the **Supreme Court**.

At the start of a trial in the Supreme Court the **judge's associate** (a person who helps the judge) will read out the **charges** to the accused and will say, "How do you plead, **guilty** or **not guilty**?" Then the accused will answer. He might answer "guilty." Or he might answer "not guilty."

**More information:** When there is more than one **charge**, the judge's associate will arraign the accused for each charge. This means the judge's associate will read each charge and the accused must answer for each charge.

*Related words:* **judge's associate**; **accused**; **arraignment**; **guilty**; **not guilty**; **charge**. *What is this word about?* **10 Jury trials in the Supreme Court**, **court**. *Read the story:* **Story 10: Jury trials in the Supreme Court**.

**arraignment** *n.* An arraignment is when the **judge's associate** reads **charges** to the **accused** at the start of a trial in the Supreme Court.

At the start of a **trial** in the **Supreme Court** the judge's associate will arraign the accused. This means she will read out the charges to the accused and will say, "How do you plead, **guilty** or **not guilty**?" Then the accused will answer. He might answer "guilty." Or he might answer "not guilty."

**More information:** When there is more than one **charge**, the judge's associate will arraign the accused for each charge. This means the judge's associate will read each charge and the accused must answer for each charge. The date when the accused is arraigned is called the 'arraignment date'.

*Related words:* **accused**; **indictment**; **plea of guilty**; **guilty**; **plea of guilty**; **not guilty**; **arraign**; **judge's associate**. *What is this word about?* **10 Jury trials in the Supreme Court**, **court**. *Read the story:* **Story 9: The Supreme Court will decide the most serious cases**, **Story 10: Jury trials in the Supreme Court**.

**arrest** *v & n*. When a **police officer** thinks a person broke the law, the police officer stops that person and makes that person go with the police officer. Police will hold that person so that he cannot leave. This is called 'arrest'.

When a police officer arrests a person, that person can leave only when the police officers allow him to leave. This is also called 'under arrest'.

When a police officer follows the law and arrests a person, the law also says that person is not allowed to fight the police officer or run away from the police officer.

**More information:** Police officers must follow the **law** when they arrest a person. The police officers will tell the person what law they think he broke. The police officer will say, "You are under arrest."



*Related words:* **police**; **law**; **charge**. What is this word about? **police**. Read the story: **Story 3: Police Interviews**.

**assault** *v & n*. Assault is a **criminal offence**. It is a law from the **Northern Territory Parliament**. There are many different actions that the law calls assault. Assault is when a person hits another person or uses his actions to threaten to hurt another person, and that person (the victim) does not want this to happen.

It is also assault when a person tries to hit someone and misses. It is assault when a person throws something at another person, even when he doesn't hit that person. It is also assault when a person touches someone else and that person (the victim) does not give permission for this to happen.

**More information:** It is not assault if the touching is something that people do all the time, like touching a person politely to get his attention.

When a person agrees for another person to touch him or agrees to fight then this is not assault. But it is against the law to give another person serious injuries, so that the person must go to the hospital.



When the **police charge** a person with assault, a **magistrate** will hear the **court case** and decide the punishment. The magistrate can also send a person with an assault charge to the Supreme Court when she thinks that the assault is very serious.

**Example:** There are many actions that are called 'assault', like:

- kicking
- spitting
- throwing things, like rocks or bottles, at another person
- pushing
- slapping

*Related words:* **serious harm; offence; police; magistrate; victim; offender.** *What is this word about?* **laws** *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**Attorney General** *n.* The Attorney General is a member of **cabinet**.

His/her job is to:

- tell the **parliament** about new **criminal laws** to protect the people of Australia or the Northern Territory.
- be in charge of the Department of Justice.
- to give the **government** advice about legal problems.

*Related words:* **cabinet; criminal law; parliament; minister; citizen.** *What is this word about?* **government.** *Read the story:* **Story 1: Laws in Australia.**

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## B – b

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**bail** *n.* Bail is the law that says if a **defendant** will wait in jail or if he will wait out of jail while waiting to come back to court. When a defendant gets bail, he will wait outside of jail for his court case. When a defendant does not get bail, he will wait in jail for his court case.

Bail is like this: The police or judge decide to let the **defendant** out of jail to wait for his **court case**. The defendant promises to come back to court at the right time for the court case, and to obey any other rules that are in the **bail conditions**.

**More information:** Bail does not mean that the **defendant's** court case is finished. He must come back to court. When the police **arrest** a person, that person is in **custody** and he cannot leave. Maybe that person will be in a police station, or maybe he will be in jail. He can only leave when the **law** says he can leave.



The judge or **police officer** must follow the bail law when they decide to give the defendant bail or not. A defendant can ask a **defence lawyer** to talk for him in court and ask the judge for bail.

*Related words:* custody; judge; court; bail conditions; bail application; police; court case; defendant; law; arrest. *What is this word about?* 6 Bail applications in the Magistrates Court, bail, laws. *Read the story:* Story 3: Police Interviews, Story 5: Getting a case to court, Story 6: Bail applications in the Magistrates Court.

**bail application** *n.* A bail application is when a defendant or defence lawyer asks a judge to give the defendant bail.

When a police officer does not give the defendant bail, the law says that a judge has the power to give the defendant bail. When the police refuse to give a defendant bail, the defence lawyer might ask a judge to give the defendant bail. This will happen in court, but sometimes it can happen using a phone from a police station. It is also called 'applying for bail'.

**More information:** The judge will decide to give a person bail or not to give that person bail. She will look at the defendant's criminal history. That is, she will look at how many times the defendant has broken the law and how many times he has missed court. The judge will think, "Will this person keep breaking the law if he stays out of jail?" The judge will also think, "Will this person come back to court if I let him go home?" This will help the judge decide about bail.

*Related words:* police; defendant; bail; judge; custody; criminal history; court. *What is this word about?* 6 Bail applications in the Magistrates Court, bail, court. *Read the story:* Story 6: Bail applications in the Magistrates Court.

**bail conditions** *n.* Bail conditions are the rules that a defendant must obey when the defendant is on bail waiting for his next court date.

A judge or the police might give a defendant bail while he is waiting for his court case. When they do this they will also make the defendant promise to follow some rules. These rules are called 'bail conditions'. When a defendant does not follow these rules, it is called 'breach of bail' and a police officer can arrest the defendant because he did not follow these rules.

**Example:** Maybe the police or judge will ask the defendant to promise to do these things:

- report to a police station or PPO
- live at a house with family and not live anywhere else
- not drink alcohol
- keep away from the victims and other defendants.

*Related words:* judge; police; defendant; bail; court; case; apply; bail application; conditions; PPO. *What is this word about?* 6 Bail applications in the Magistrates Court, bail. *Read the story:* Story 3: Police Interviews, Story 6: Bail applications in the Magistrates Court.

**Bail Order** *n.* A Bail Order is a law-paper from a **judge** or **police** that allows a **defendant** to be out of jail while he is waiting for his next court date.

The Bail Order will tell the defendant what rules (**conditions**) he must obey, and what date he must come back to **court**.

**More information:** The defendant will sign the Bail Order to show that he promises to obey the Bail Order. When a defendant does not obey the Bail Order, the defendant will come back to court, and the judge might punish (**sentence**) the defendant or take away (**revoke**) the defendant's bail. When a judge takes away a person's bail, that person will wait in jail while the judge decides his **court case**.



*Related words:* **bail; judge; court; bail conditions; bail application; police; court case; defendant; law; arrest.** What is this word about? **6 Bail applications in the Magistrates Court, bail, laws, legal documents.** Read the story: **Story 3: Police Interviews, Story 5: Getting a case to court, Story 6: Bail applications in the Magistrates Court.**

**bail presumption** *n.* There is a **law** that guides the **judge** so the judge knows when she will give **bail**, and when she will not give bail to a **defendant**. This law is called 'bail presumption'.

**More information:** This law tells the judge to think about three main things: How bad is the **crime**? Is there a lot of **evidence** that shows the defendant broke the law? What is the defendant's **criminal record** like?

When the crime is very bad, for example, when the defendant killed another person, the law says the judge will not give the defendant bail. The judge will give the defendant bail only when there is a very strong reason for the defendant to be out of jail.

When the crime is not very bad and the defendant's criminal history is short, the law says the judge will give the defendant bail. The judge will refuse to give the defendant bail only when there is a very strong reason for the defendant to stay in jail.

When the police do not have very much evidence to show that the defendant broke the law, the judge might give the defendant bail.

*Related words:* **bail; bail application; apply for bail; crime; criminal record; evidence.** What is this word about? **6 Bail applications in the Magistrates Court, bail, court.** Read the story: **Story 6: Bail applications in the Magistrates Court.**



**bar table** *n.* The bar table is the table in a **court room** where the **defence lawyer** and the **prosecutor** sit, looking at the **judge**.

*Related words:* **judge**; **court**; **defence lawyer**; **prosecutor**; **bench**. *What is this word about?* **court**. *Read the story:* **Story 4: Inside a Court Room**.



**barrister** *n.* A barrister is a **lawyer** who mostly works in court rooms. In court, a barrister speaks about the law for her **client** and tells her client's story.

*Related words:* **lawyer**; **client**; **court room**. *What is this word about?* **people**. *Read the story:* **Story 4: Inside a Court Room**.



**bench** *n.* Bench has two meanings. It is the table where the **judge** or **magistrate** sits in a **court room**. It is also a name for the judge or the group of judges in court. This means that when a lawyer says "the bench" she means the judge.

*Related words:* **judge**; **magistrate**; **court**; **court room**. *What is this word about?* **court**. *Read the story:* **Story 4: Inside a Court Room**.

**beyond reasonable doubt** *n.* 'Beyond reasonable doubt' is the law that tells a **magistrate** or **jury** how to decide if a person broke the law.

The law says that a magistrate or jury must truly know that a person broke the law, and they do not have any doubt, before they can decide that person is **guilty**. They must think about all of the **evidence** when they decide.

When they are not sure that the defendant broke the law, they must decide the defendant is **not guilty**. This law says that if the magistrate or jury think, "maybe the defendant broke the law", then they must say that the defendant is not guilty. Beyond reasonable doubt means that they are sure in their thinking that the **defendant** broke the law.

**More information:** When there is enough **evidence** to show that the defendant broke the law, the magistrate or jury will say that the defendant is **guilty**. When there is not enough evidence, the magistrate or jury will say that the defendant is **not guilty**.

When the magistrate or jury decide if a person broke the law, they must only think about the evidence in court. They must not think "do I like this defendant or do I not like this defendant".



*Related words:* **magistrate**; **jury**; **guilty**; **evidence**; **not guilty**. *What is this word about?* **evidence**, **laws**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court**, **Story 10: Jury Trials in the Supreme Court**.

**breach** *v.* Breach means to break an **order**. That is, to not obey the order.

The law says that a **judge** is allowed to give an **offender** different kinds of rules that he must obey. These rules are called '**orders**'. When an **offender** does not obey one of these **orders**, he breaks that **order**.

This is called 'breaching an order'. Maybe a judge will punish an offender when he breaches an order.

**Suggestion:** Instead of saying: 'You will be sentenced to 3 months imprisonment because you breached the order.'

Say: 'The judge gave you rules. You did not obey those rules. That is why you are going to jail for 3 months.'

*Related words:* **sentence**; **judge**; **order**; **defendant**; **offender**; **parole officer**; **PPO**; **police officer**. *What is this word about?* **laws**. *Read the story:* **Story 4: Inside a Court Room**.

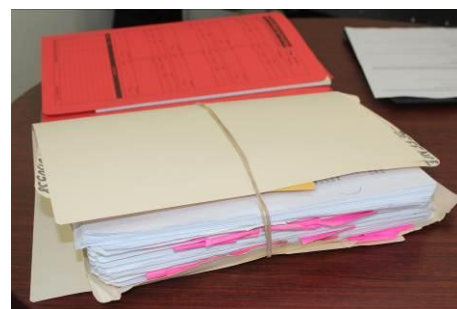
**breach of bail** *n.* When a **defendant** breaks the rules for his **bail**, this is called 'breach of bail.'

When **police** or a **judge** give a defendant bail, the defendant must promise to come back to **court** at the proper time for his court case, and obey all the bail rules (**bail conditions**). When the defendant does not follow the bail conditions, or when he breaks the **law** again, or when he does not come to court on the proper date, this is called a breach of bail. Sometimes people say "he breached bail".

**More information:** When the police hear that a defendant broke his bail conditions, maybe they will arrest the defendant and take him to court. At court the judge might punish the defendant for breaking his bail conditions.

*Related words:* **police**; **judge**; **bail**; **defendant**; **bail conditions**; **case**; **court**; **law**; **breach**; **conditions**. *What is this word about?* **6 Bail applications in the Magistrates Court**, **bail**, **court**. *Read the story:* **Story 6: Bail applications in the Magistrates Court**.

**brief of evidence** *n.* A brief of evidence is a bundle of papers with all the **witness statements**, the **EROI**, and photos and other kinds of **evidence**.



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The police must gather together all the **evidence** that shows that a **defendant** broke the law. Then the **prosecutor** must give the brief of evidence to the **defence lawyer** so the defence lawyer can talk to her **client** about it.



*Related words:* **evidence**; **defendant**; **prosecutor**; **defence lawyer**; **client**; **contest** **mention**; **magistrate**; **preliminary examination mention**. What is this word about? **evidence**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**burden of proof** *n.* Burden of proof is a law that says which side must bring evidence to court to show that their story is true.

When there is a **trial** or **hearing** in a criminal court, lawyers follow the **adversarial system**. This means that there are two sides in a court case, the **prosecutor** and the **defence lawyer**. A prosecutor says that a person broke the law, that is, the **defendant** committed a **crime**. But the prosecutor must bring enough **evidence** to court to show (**prove**) that this is true. This is called 'the burden of proof'. The law says that the prosecutor always has the burden of proof to prove that the defendant is guilty.

**More information:** The prosecutor must bring evidence to court to prove that the defendant broke the law. The defence lawyer does not have to bring evidence to prove that the defendant is **innocent**. The law says that the defendant stays innocent until the prosecutor proves that he is guilty.

*Related words:* **adversarial system**; **prosecutor**; **defence lawyer**; **criminal law**; **accused**; **crime**; **evidence**; **innocent**; **presumption of innocence**. What is this word about? **10 Jury trials in the Supreme Court**, **court**, **laws**. Read the story: **Story 10: Jury trials in the Supreme Court**, **Story 7: Contesting a case in the Magistrates Court**.

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## C – c

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**CAALAS (Central Australian Aboriginal Legal Aid Service)** *n.*

CAALAS is the **legal aid** organisation for Aboriginal people in the Alice Springs region.

*Related words:* **legal aid**. What is this word about? **people**, **lawyers and clients**. Read the story: **Story 5: Getting a case to court**.

**cabinet** *n.* The cabinet is a group of senior **government ministers** who are part of the **parliament**.

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The cabinet meets together to decide what work the government departments will do. Cabinet members are also called **ministers** and are part of the **executive** part of government. They are in charge of government departments.

**More information:** In the **Federal Parliament**, the Prime Minister chooses the people who will be in the cabinet. The Governor General confirms the cabinet that the Prime Minister chooses. In the Northern Territory government, the Chief Minister chooses the people who will be in the cabinet. The Administrator in the Northern Territory confirms the cabinet that the Chief Minister chooses.

*Related words:* **government**; **minister**; **parliament**; **executive**. *What is this word about?* **government**. *Read the story:* **Story 1: Laws in Australia**.

**case** *n.* This is another name for **court case**.

*Related words:* **court case**. *What is this word about?* **lawyers and clients**. *Read the story:* **Story 1: Laws in Australia, Story 5: Getting a case to court**.

**caution** *v, n.* This is another name for **police caution**.

*Related words:* **police caution**. *What is this word about?* **police**. *Read the story:* **Story 3: Police Interviews**.

**character reference** *n.* A character reference is a letter to the judge telling the judge about an offender.

When an **offender** pleads **guilty**, the **judge** will punish the offender. A person who knows the **offender** is allowed to write a letter to the judge. It will tell the judge about the offender's life. It might tell the judge about the good things about the offender, or it might tell the judge about the sad or difficult things in the offender's life.



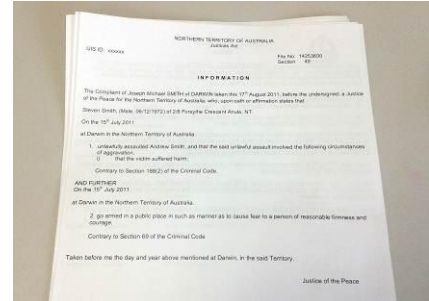
This letter is called a character reference. The offender's **lawyer** will give this letter to the judge and ask the judge to think about it when she punishes (**sentences**) the offender.

*Related words:* **offender**; **judge**; **lawyer**; **sentence**. *What is this word about?* **legal documents, sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**charge** 1 • *n.* A charge is the law that police say the **suspect** broke.

When the police believe a person broke the law, they will say what that law is and write it down on a law-paper called a **complaint** or an **information**. That broken law is called a **charge**. Police will give this paper to the judge so that the judge knows what the police story is.

**More information:** If police think that person broke 10 different laws, then the police will write down 10 different charges on the law-paper. The police follow laws when they write charges on a law-paper. They cannot just write it any way they want.



2 • *v.* When the police believe a person, who they call a suspect, broke a law, they write down that law on a law-paper called a complaint or an information. When they do that, the police **charge** the suspect. When the police charge the suspect, that suspect is then called a **defendant**.

*Related words:* **evidence**; **complaint**; **information**; **charge**; **judge**; **suspect**; **count**; **arraign**; **law**; **offender**; **defendant**; **police**; **precis**. What is this word about? **police**, **laws**, **legal documents**. Read the story: **Story 3: Police Interviews**.

**citizen** *n.* Citizens are owners of the law for the nation or country that they belong to. Aboriginal people have been recognised as Australian **citizens** by the **Constitution** since the 1967 Referendum.

All people born in Australia are recognised by law as Australian citizens. People from other lands (overseas) who want to become citizens can ask the **Australian Government** to recognise them as citizens. All citizens who are 18 years of age or older have the right to vote. As citizens we vote at elections to choose the law makers who will represent us in **parliament**.

*Related words:* **Constitution**; **parliament**; **law**. What is this word about? **government**, **people**. Read the story: **Story 1: Laws in Australia**.

**civil law** *n.* Civil laws are different from **criminal laws**. There are many different types of laws that are called civil laws. For example, Centrelink law, motor vehicle compensation and housing law are areas of civil law.

Where people or groups of people cannot agree, one of them can take the others to **court** and the **judge** will decide according to civil law. The judge will hear their story and tell them what they must do according to that **law**. In civil law, the judge will not sentence people, like she does in criminal law.

*Related words:* **criminal law**; **law**; **judge**; **court**. What is this word about? **laws**. Read the story: **Story 1: Laws in Australia**.

**client** *n.* When a person asks a **lawyer** for help, and the lawyer agrees to help him, then that person is called a client of that lawyer.

The lawyer must help her client by explaining the **law** to the client. The lawyer must listen to the client, follow his **instructions** and speak for him in the court.



**More information:** A lawyer follows many rules which tell her how to look after her client. For example, a lawyer cannot tell her client's story outside of court, unless the **client** agrees.

*Related words:* **lawyer**; **instruct**; **defence lawyer**. *What is this word about?* **lawyers and clients, people**. *Read the story:* **Story 4: Inside a Court Room**

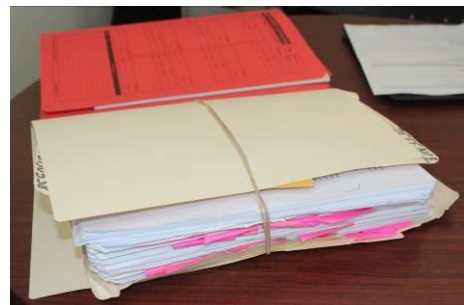
**commit a crime** *v.* To 'commit a crime' means to break a **criminal law**.

*Related words:* **criminal law**; **law**. *What is this word about?* **laws, police**. *Read the story:* **Story 2: Offence and Police Investigation**.

**commit to the Supreme Court** *v.* 'Commit' to the Supreme Court means to 'send' to the Supreme Court.

When a magistrate sends a **court case** to the **Supreme Court**, the magistrate 'commits' the case to the Supreme Court.

**More information:** For court cases when the law says there will be a very big punishment (**sentence**), only a Supreme Court Judge can punish the **offender**. The law does not let a **magistrate** punish that offender. The magistrate must send the court case to a Supreme Court Judge. Criminal cases start in the **Magistrates Court**.



When it is a serious **crime**, that is the law says there is a big punishment, the magistrate must look at all the **evidence** about what the defendant did. When there is enough evidence, the magistrate must send the court case to the Supreme Court for a Judge to look at. When there is not enough evidence, the magistrate will not send the case to the Supreme Court.





*Related words:* **charge**; **Magistrates Court**; **Supreme Court**; **indictable offence**; **jurisdiction**; **magistrate**; **evidence**; **defendant**; **guilty**. *What is this word about?* **court**.  
*Read the story:* **Story 9: The Supreme Court will decide the most serious cases.**

**common purpose** *n.* Common purpose is a law that says a person is **guilty** of breaking the law when he helps another person break the law.

**More information:** The law called 'common purpose' says this: When two people break the law together, each person will be guilty for the things that the other person did. When one person helps another person break the law, both people are guilty for breaking that law.

The judge will not say that one person only broke the law a little bit, and the other person broke the law a lot. The judge will say that they are both guilty for everything that happened when they broke the law together.

This is called common purpose. This law is also called 'acting in concert', 'joint enterprise' or 'joint criminal enterprise'.

**Example:** James and Peter decided to break into a house to steal alcohol. James stayed outside as the lookout. Peter went inside and took some alcohol. Peter is guilty for breaking into that house. This law says that James is also guilty for breaking into that house. James was helping Peter by being the lookout, so it does not matter that James did not go into the house. They were acting together, so James is guilty for the things Peter did.

*Related words:* **evidence**; **guilty**; **accomplice**. *What is this word about?* **laws**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**Commonwealth Government** *n.* The Commonwealth Government is also called the 'Australian Government'. The name Commonwealth Government can mean two different things: Commonwealth Parliament and Commonwealth Executive.

**Commonwealth Parliament:** This is the **parliament** that has the power to make laws for the whole of Australia. It is also called the 'Federal Parliament' or the 'Parliament of Australia'. The Commonwealth Parliament sits in Parliament House in Canberra, and its leader is the Prime Minister. The Commonwealth Government is more powerful than the other governments, that is, the State and Territory governments.

The **Constitution** gives the Commonwealth Parliament the power to make laws about some things but not other things. For example, the Commonwealth Parliament has the power to make laws about these things:

- laws about who can come into Australia from other countries,
- laws about workers and pay.
- laws about Centrelink and pensions.



- laws about marriage and family.
- laws about the army and defending the country.

The Constitution says that when the Commonwealth Government makes a law and a State or Territory government makes a law about the same thing, and these two laws are different from each other, we must follow the Commonwealth law, not the State or Territory law.

**2. Commonwealth Executive:** This is the **cabinet** and the government departments. The Commonwealth Executive makes sure that everyone follows the laws that the Commonwealth Parliament has made. They control Centrelink, immigration, taxes and other government groups.

*Related words:* **Constitution**; **Federal Government**; **three levels of government**; **legislature**; **executive**; **parliament**; **cabinet**. What is this word about? **government**. Read the story: **Story 1: Laws in Australia**.

**Commonwealth Parliament** *n.* This is the **parliament** for all of Australia. It sits in Canberra.

*Related words:* **parliament**; **Commonwealth Government**. What is this word about? **government**. Read the story: **Story 1: Laws in Australia**.

**Community Based Order** *n.* A Community Based Order is one way a judge will punish a person who broke the law. When a judge gives an **offender** a Community Based Order, the judge does not put the offender in jail, but the judge says that a **PPO** will **supervise** the offender. The offender can stay in his own home and keep working at his job.

A Community Based Order is also called a 'CBO'.

**More information:** The Community Based Order has rules that the offender must obey. The rules might tell the offender to go to programs for alcohol or drug problems, or for mental sickness. The judge makes these rules to help **rehabilitate** the offender.

The judge will tell the offender how many months or years the offender must obey these rules. Maybe it will be for 6 months, or maybe for a long time like 2 years.

A court worker will write the Community Based Order on a law-paper. The offender will sign his name on that paper and that means he agrees that he will obey the rules in the Community Based Order.

*Related words:* **sentence**; **crime**; **offender**; **parole officer**; **rehabilitation**. What is this word about? **sentencing**, **legal documents**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**Community Corrections Officer** *n.* This is another name for a **Probation and Parole Officer**.

*Related words:* **Probation and Parole Officer**. What is this word about? **people**, **sentencing**.

*Read the story:* **Story 4: Inside a Court Room**.

**Community Custody Order** *n.* A Community Custody Order is one way a judge will punish (**sentence**) an **offender**. The judge does not send the offender to prison, but the judge will make rules (**conditions**) that the offender must obey when the offender is living in the community. The judge will tell the offender how many months or years the offender must obey these rules.

**More information:** The Community Custody Order will have these rules:

- The offender must spend 12 hours each week working in the community without pay.
- A **PPO** will closely watch (**supervise**) the offender in the community.
- The PPO might tell the offender to go to **rehabilitation** programs for alcohol and drugs, or for mental sickness.

When an offender breaks the rules of the Community Custody Order, he will go to prison. Also, if he breaks the law again, he will go to prison. The offender will stay out of prison only when the judge thinks there is a very strong reason for the offender not to go to prison.

A court worker will write the Community Custody Order on a law-paper. The offender will sign his name on that paper and that means he agrees that he will obey the rules in the Community Custody Order.

*Related words:* **sentence**; **offender**; **community PPO**; **rehabilitation**. What is this word about? **sentencing**, **legal documents**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**Community Work Order** *n.* A Community Work Order is one way a judge will punish (**sentence**) a person who broke the law. The judge orders the **offender** to work in the community, maybe gardening or cleaning or picking up rubbish. A **PPO** will **supervise** the offender and check that he is obeying the **order**.

**More information:** The PPO will find a place for the **offender** to work. The offender will not get paid for the work. The judge will decide how many hours the offender must work, maybe 16, 40 or 80 hours. The judge will also say how many months the offender has to finish doing that work.

A court worker will write the Community Work Order on a law-paper. The offender will sign his name on it and that says that he will obey the Community Work Order.

When an offender does not finish the work the judge tells him to do, the PPO will bring the offender back to court. Then the judge will decide about sending the offender to jail.

*Related words:* **sentence**; **crime**; **Community Based Order**; **conditions**; **PPO**; **defendant**.  
*What is this word about?* **sentencing**, **legal documents**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**complaint** *n.* A complaint is a law-paper in the Magistrates Court. Police write a defendant's **charges** on this paper.

When the police believe a person broke the law, a police officer will **charge** that person. Then the police officer will write down that charge on a law-paper.

When the charge is not very serious, that is, the biggest punishment the offender can get is 2 years in jail, the law-paper they write it on is called a complaint. The police then give that complaint to the **Magistrates Court** and that starts the **court case** in the Magistrates Court.

**More information:** When the **court case** is in the Magistrates Court and the charge is serious, that is the offender can be sent to jail for more than 2 years, the law-paper with the charge is called '**information**'. When the court case is in the Supreme Court, the law-paper with the charge is called an '**indictment**'.

*Related words:* **charge**; **criminal offence**; **information**; **indictment**. *What is this word about?* **legal documents**. *Read the story:* **Story 5: Getting a case to court.**

**concurrent sentence** *n.* Concurrent means at the same time.

When a judge punishes (**sentences**) an **offender** to jail for two different **charges** and says that the sentences are concurrent, those two sentences will start at the same time. They are not added together. It means that the offender will stay in prison for both sentences at the same time.



This is one way that the law says a judge can allow an offender to finish his prison sentences earlier.

**Example:** A judge might **sentence** an offender for two crimes of **assault**. She might say, "I am giving you 3 months in prison for one assault and 4 months in prison for the other assault. The 3 months will be concurrent with the 4 months so the whole sentence is 4 months in prison."

*Related words:* **sentence**; **defendant**; **cumulative sentence**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**conditions** *n.* A condition is a rule that a **judge** puts on an **order** for a person. The person must obey all the rules (**conditions**) on that order.

When a person disobeys one of these rules, that person will come back to court and the judge might punish that person more severely or give them a new order.

**More information:** A judge might put many conditions in an order like the offender is not allowed to drink alcohol. Another condition might say that the offender must stay in his home community and not leave unless for a medical emergency.

Another condition might say that the offender must talk to the **PPO** every week and obey anything the PPO tells him to do. The person must follow the rules (**conditions**) for the whole time of the order. This might be a long time, like 2 years.

When a person wants to change these conditions, he must go to court and ask the judge to change the conditions. Only a judge has the power to change these conditions.

*Related words:* **order**; **bail conditions**; **sentence conditions**; **good behaviour bond**; **community work order**; **PPO**. *What is this word about?* **6 Bail applications in the Magistrates Court, sentencing, bail**. *Read the story:* **Story 3: Police Interviews, Story 6: Bail applications in the Magistrates Court, Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**confession** *n.* When a person says to another person that he broke the law or committed a **crime**, his words are called a confession.

**More information:** When police **investigate** a crime and police officers **interview** a **suspect**, that suspect might confess - he might agree with the police that he broke the law. This is called a confession. Another name is '**admission**'.

A confession is a kind of **evidence**. Police will record or write down the suspect's words and take these words to **court** to show the **judge**. Then the judge will decide if the suspect broke the law.

*Related words:* **admission**; **interview**; **investigation**; **evidence**; **police officer**. *What is this word about?* **evidence**, **police**. *Read the story:* **Story 3: Police Interviews**. [Tx1 – MYD]

**consent** *n & v.* **Consent means to 'agree'.**

Another word for consent is 'permission'. When a person agrees to do something without anyone forcing him to, he is consenting to it. This is called 'consent'.

*Related words:* **order**. *Read the story:* **Story 5: Getting a case to court**. *What is this word about?* **lawyers and clients**.

**consider** *v.* **To consider means to think about.**

*Related words:* **consideration**; **sentence**; **decision**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**consideration** *n.* **Consideration means 'all the things a person thinks about when she decides something.'**

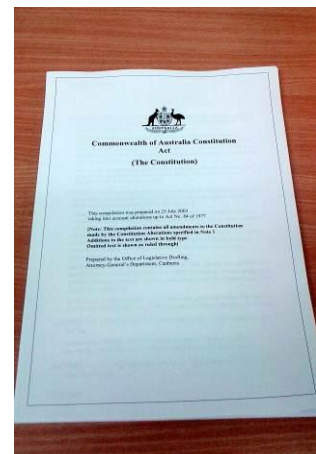
In court, a judge might say "having taken all these things into consideration." This means "I have thought about all these things."

*Related words:* **consider**; **sentence**; **decision**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**Constitution** *n.* **The Constitution is the foundation law of the Commonwealth of Australia.**

It says how the three **branches of government** will work. The Constitution gives power to each of the three branches of government and tells us about **separation of powers**.

The Constitution says what **rights** and duties Australian citizens have and how our leaders will do their work. It also says what laws the **Federal Parliament** can make and what laws **State** and **Territory Parliaments** can make. It tells how the members of parliament can make new laws and what rules they must follow when they make new laws.



*Related words:* **parliament**; **citizen**; **separation of powers**. *What is this word about?* **government**. *Read the story:* **Story 1: Laws in Australia**.

**contest the charges** *v.* **To contest the charges means to plead not guilty to the charges.**

Sometimes people say that they are 'fighting the charges'.

**More information:** When a defendant contests the charges, there will be a **hearing** or **trial** at the court. The witnesses will come to court, and the magistrate or jury will hear all the **evidence**. The magistrate or jury will decide if the defendant broke the law, or if the defendant did not break the law.

*Related words:* **plea of not guilty**; **not guilty**; **hearing**; **trial**; **evidence**. *What is this word about?* **court**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**contested hearing** *n.* This is another name for **hearing**.

*Related words:* **hearing**. *What is this word about?* **court**. *Read the story:* **Story 7 Contesting a case in the Magistrates Court.** [\*]

**coroner** *n.* The coroner is a magistrate who has special power from the law to discover how a person died. He/she writes a report for the **government** and others to tell them what to do to try and stop other people from dying in the same way.



*Related words:* **judge**; **magistrate**. *What is this word about?* **people**. *Read the story:* **Story 1: Laws in Australia.**

**Corrections Officer** *n.* This is another name for **Probation and Parole Officer**.

*Related words:* **Probation and Parole Officer**. *Read the story:* **Story 4: Inside a Court Room.**

**count** *n.* A count is another word for a '**charge**'. That is, a count is the law that police say a **defendant** broke.

Sometimes the **prosecutor** writes down more than one **charge** on the law-paper (called the **complaint**, **information** or **indictment**). If there is more than one charge, he writes a number next to each charge, starting with the number 1 (one). After that, each added charge has a number and the charge is called a 'count'.

**Example:** In court, the prosecutor might say 'the defendant is **pleading guilty** to count 3.' This means that the defendant is saying guilty to charge number 3 on the law-paper.

*Related words:* **prosecutor**; **charge**; **complaint**; **information**; **indictment**. *What is this word about?* **legal documents**. *Read the story:* **Story 9: The Supreme Court will decide the most serious cases.**



**court** *n.* 1•The **court** is a law-place where a judge decides about legal problems.

Another name is court room or court building.

2•Sometimes people use the word 'court' when they are talking about the **judge** or **magistrate**. 'Court' also means judge or magistrate.

**Example:** A lawyer might say, "The court refused your bail application." This means "The judge decided that you will not get bail."

*Related words:* **judge**; **law**; **magistrate**; **court room**. What is this word about? **court**. Read the story: **Story 4: Inside a Court Room**.



**court appearance** *n.* This is another name for **appear in court**.

*Related words:* **appear in court**. What is this word about? **court**. Read the story: **Story 3: Police Interviews**.

**court building** *n.* A court building is a special building that is only for **court**.

*Related words:* **court**. What is this word about? **court**. Read the story: **Story 4: Inside a Court Room**.

**court case** *n.* 1•'Court case' is the name for all of the **defendant's charges** and legal problems that the **judge** will decide in court.

In **criminal law**, the court case is everything that happens from when a person is **charged** to when the judge finishes deciding about the charges; that is when the judge punishes (**sentences**) the defendant or the judge **acquits** the defendant. A court case is also called a 'case', 'court matter', or just 'matter'.



**More information:** When a police officer **charges** a defendant, the police officer will tell the defendant when to come to court (**appear in court**). The police will then give the charges to the court office which is called the **court registry**. This will start the court case, or 'case', for that defendant.



The defendant must keep coming to court until the case is finished. The court case will finish when the judge decides if the defendant is **guilty** or **not guilty**, and when she has sentenced the guilty defendant.

2 • In **civil law**, a case is all that happens from when one person or group writes and complains to the other side, until the other side agrees to do what the person wants, or a judge decides about that problem.

*Related words:* **charge**; **appear in court**; **suspect**; **defendant**; **judge**; **guilty**; **not guilty**; **sentence**; **charge**; **criminal law**; **civil law**; **contest mention**; **appear in court**. *What is this word about?* **court**, **lawyers and clients**. *Read the story:* **Story 1: Laws in Australia**.

**court matter** *n.* This is another name for **court case**.

*Related words:* **court case**. *What is this word about?* **court**. *Read the story:* **Story 1: Laws in Australia**.

**court mention** *n.* This is another name for **mention**.

*Related words:* **mention**. *What is this word about?* **court**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**court orderly** *n.* A court orderly works in the **Magistrates Court** to help the **magistrate** keep all the papers properly.

The court orderly also calls people to come into the **court room** and tells people when the court has started.

**More information:** The court orderly sits in front of the magistrate in the court room. In some bush courts the court orderly sits at a table to one side of the magistrate.



*Related words:* **magistrate**; **Magistrates Court**; **court room**. *What is this word about?* **people**. *Read the story:* **Story 4: Inside a Court Room**.

**court registry** *n.* The office at the **Supreme Court** and at the **Magistrates Court** is called the court registry.

This office takes care of all of the law-papers that judges use to decide a **case**.

*Related words:* **Supreme Court**; **Magistrates Court**. *What is this word about?* **court**. *Read the story:* **Story 9: The Supreme Court will decide the most serious cases**.

**court room** *n.* A court room is a room inside a court building where the judge sits to decide a **court case**.

**More information:** Sometimes there can be many court rooms inside one court building. For example, in the Darwin Magistrates Court building, there are 7 different court rooms.

At many bush courts there is not a proper court building. When a magistrate sits in a room to decide a court case, that room is called the court room even if that room is not in a proper court building.



The **court orderly** will use special legal words to tell people when the court has started and when the court has finished. When a person walks into a court room, that person must bow her head to recognise the power of the law in the court room.

*Related words:* **Your Honour**; **judge**; **magistrate**; **Supreme Court Judge**; **court**. What is this word about? **court**. Read the story: **Story 4: Inside a Court Room**.

**crime** *n.* A crime is any action that a person does that breaks the **criminal law**.

When a person breaks the law, the **police officers** might take that person to **court** to ask the **judge** to punish (**sentence**) him. Only actions where the law says a judge will punish the **offender** are called crimes.

*Related words:* **criminal law**; **police**; **court**; **judge**. What is this word about? **laws**. Read the story: **Story 2: Offence and Police Investigation**.

**crime scene** *n.* A crime scene is the place where a person has broken the law.

When **police officers** come to that place, they stop other people from coming close to it.

**More information:** Police officers will **investigate** by looking all around the crime scene to see if they can find something (**evidence**) which tells them what happened. Police sometimes put tape around the crime scene to stop people going in. Police officers will take many photos of the crime scene, so that they can show these photos to the judge in court.

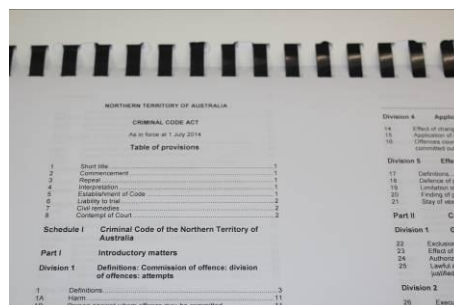


*Related words:* **investigate**; **evidence**; **crime**; **police**. What is this word about? **police**. Read the story: **Story 2: Offence and Police Investigation**.

**Criminal Code** *n.* The Criminal Code is a Northern Territory **Act** where many of the **criminal laws** are written down. The Criminal Code tells us about things people must not do in the Northern Territory.

The Criminal Code also gives a **judge** the power to punish (**sentence**) people who break the laws written in the Criminal Code. These laws also tell the judge how to punish people who break those laws.

*Related words:* **Act**; **criminal offence**; **criminal law**; **sentence**; **judge**. What is this word about? **laws**. Read the story: **Story 1: Laws in Australia**.



NORTHERN TERRITORY OF AUSTRALIA		CRIMINAL CODE ACT	
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Criminal law also talks about the way courts happen. It talks about what laws and evidence the magistrate or jury will use to decide if the **defendant** is **guilty**. It talks about what is a fair way for the judge to punish (**sentence**) people who are guilty of breaking the law.

*Related words:* **civil law**; **law**; **judge**; **parliament**; **Criminal Code**; **citizen**; **court**; **police**; **charge**; **DPP**; **defendant**; **guilty**. *What is this word about?* **laws**. *Read the story:* **Story 1: Laws in Australia**, **Story 2: Offence and Police Investigation**.

**criminal offence** *n.* 1 • When a person breaks a **criminal law**, that is called a criminal offence.

2 • There are many different criminal laws. Each criminal law says one thing that people must not do. This thing that people must not do is called a criminal offence.

**More information:** All governments make laws for the people who live in that country, State, or Territory. The **Parliament** makes those laws to protect people from harm. These laws also tell **judges** how to punish (**sentence**) people who break these laws.

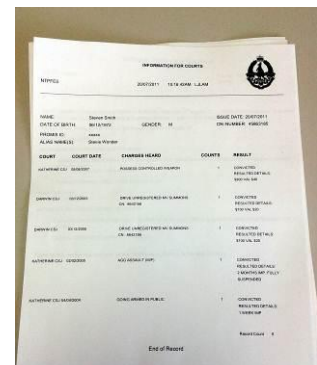
*Related words:* **criminal law**; **crime**; **offender**; **parliament**; **jurisdiction**; **judge**. *What is this word about?* **laws**. *Read the story:* **Story 2: Offence and Police Investigation**, **Story 5: Getting a case to court**.

**criminal record** *n.* This is the story on a law-paper showing two things about a **defendant**:

- every time a **judge** said the defendant was **guilty** of breaking the law.
- what punishment (**sentence**) the judge gave the defendant each time the defendant broke the law.

Other names for this are 'priors', 'criminal history', 'information for courts' or 'prior record'.

*Related words:* **judge**; **defendant**; **guilty**; **sentence**. *What is this word about?* **legal documents**, **sentencing**. *Read the story:* **Story 3: Police Interviews**, **Story 7: Contesting a case in the Magistrates Court**.



**cross-examination** *n.* In a **court case**, a lawyer can call a **witness** to come to court and tell her story (**give evidence**). When a lawyer asks a witness to come to the court room to tell her story, that lawyer will be the first person to ask the witness questions. After that, a lawyer from the other side will ask the witness questions. This is called cross-examination.

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When the first lawyer asks the witness questions, it is called **examination-in-chief**.

**More information:** In the cross-examination, the lawyer might try to show that the witness' story is not true. For example, maybe the witness can't remember something well. Or maybe the story from the witness during cross-examination is different to the story she first told to the other lawyer or the story she wrote in his **statement**. When the witness changes her story during cross-examination, this makes it hard for the judge to know which story is true and so maybe the judge will not believe that witness. There are rules that tell lawyers what questions they can ask the witnesses.



*Related words:* **witness**; **give evidence**; **lawyer**; **barrister**; **defence**; **lawyer**; **prosecutor**; **evidence-in-chief**; **adversarial system**. *What is this word about?* **evidence**, **court**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court**.

**Crown** *n.* In the Supreme Court the **prosecution** is also called the Crown.

*Related words:* **prosecution**. *What is this word about?* **people**, **court**. *Read the story:* **Story 4: Inside a Court Room**.

**crown facts** *n.* This is another name for **precis**.

*Related words:* **precis**. *What is this word about?* **legal documents**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court**.

**cumulative sentence** *n.* Cumulative means to 'add together'.

A cumulative sentence means that when a judge punishes (**sentences**) an **offender**, the judge will add time in prison for one **crime** to the time in prison for another **crime**.

**Example:** When a judge sentences an **offender** for two crimes of **assault**, the judge might say 'On count 1, I sentence you to 4 months imprisonment. On count 2, I sentence you to 3 months imprisonment, cumulative with count 1. This means 'For one assault I am sending you to prison for 4 months. For the other assault, I am sending you to jail for 3 months. I am adding these together, so the whole **sentence** is 7 months in prison.'





*Related words:* **sentence**; **offender**; **crime**; **imprisonment**; **assault**; **judge**; **concurrent**.

*What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**custody** *n.* Custody means that a person holds another person so that he cannot leave.

A **police officer** might take a person into custody in different ways. The police officer might put handcuffs on that person, or put him into the back of a paddy wagon, or put him into a police cell. That person knows he cannot just go away from the police officer. This is called 'in custody'.

**More information:** Sometimes people stay in prison waiting for court. This is also called 'in custody' because they are not allowed to leave.

*Related words:* **arrest**; **remand in custody**; **police officer**. *What is this word about?* **police**, **laws**. *Read the story:* **Story 3: Police Interviews.**



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## D – d

**decision** *n.* In court, a **judge** decides about legal problems, and she tells people in court what they must do. What the judge decides in court is called a decision.

*Related words:* **judge**; **magistrate**; **court**. *What is this word about?* **court**. *Read the story:* **Story 4: Inside a Court Room.**

**defence** *n.* This is another name for **defence lawyer**.

*Related words:* **defence lawyer**. *What is this word about?* **people**. *Read the story:* **Story 4: Inside a Court Room.**

**defence lawyer** *n.* A defence lawyer is the **lawyer** for the **defendant** in a **criminal law court case**.

When a person goes to **court** because the **police** say that person broke the **law**, a defence lawyer helps that person and speaks for him in court. The defence lawyer is on one side in court, and the **prosecutor** is on the other side.



**More information:** A lawyer's job is to help a client by explaining the **law** to him. The lawyer must listen to the defendant, follow his **instructions** and speak for him in the court.

**Suggestion:** A defence lawyer can explain her role like this: "I am a lawyer. This means that my job is to listen to your story and tell you what the law says. I work for you. I don't work for the government and I don't work for the police. My job is to listen to you and help you find the best way to finish your court case. The police have put [3] charges against you. I will explain these charges to you. Then I will help you decide about pleading guilty or not guilty. When we go into court, I will talk for you in court."

*Related words:* **court**; **police**; **law**; **prosecutor**; **lawyer**; **adversarial system**. What is this word about? **people**. Read the story: **Story 4: Inside a Court Room**.

**defendant** *n.* In the **Magistrates Court**, the person who the **police** say broke the **law** is called the defendant.

In the **Supreme Court**, that person is called the **accused**.

In this dictionary defendant means a defendant and the accused.

*Related words:* **Magistrates Court**; **police**; **law**; **Supreme Court**; **accused**. What is this word about? **people**. Read the story: **Story 4: Inside a Court Room**.



**defended hearing** *n.* This is another name for **hearing**.

*Related words:* **hearing**. What is this word about? **court**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**defer consideration** *v.* Defer means to wait until a later time. Consideration means to think about something. Defer consideration means to wait until another time to think about something and decide about it. It is like an **adjournment**.

**More information:** When a prisoner asks the Parole Board for **parole**, the Parole Board might defer consideration about parole for that prisoner. When they defer consideration, they wait for more information about that prisoner, then they decide about giving him parole.

*Related words:* **parole**; **Parole Board**; **adjournment**; **adjourn**. What is this word about? **prison**. Read the story: **Story 11: Parole**.

**Director of Public Prosecutions** *n.* The Director of Public Prosecutions is a senior lawyer who is the leader of all the **prosecutors**.

The Director of Public Prosecutions and all the prosecutors are also called the 'DPP'. Sometimes when people say 'DPP' they mean 'the prosecutor'.

The DPP's job is to bring **criminal law** cases to the court so that a judge will decide about the defendant's **charges**. This means that the DPP brings **witnesses** and **evidence** to court to show the judge that the defendant is guilty of breaking the law.

**More information:** DPP prosecutors do most of their work in the Supreme Court. The prosecutors who work in the Magistrates Court are called 'summary prosecutors' or 'summary prosecutions'.

*Related words:* **criminal law**; **adversarial system**; **prosecutor**; **evidence**; **witness**; **Supreme Court**; **Magistrates Court**. *What is this word about?* **people**. *Read the story:* **Story 1: Laws in Australia**.

**dock** *n.* The dock is the place where a defendant sits inside the **court room**.

*Related words:* **court room**; **court**; **defendant**. *What is this word about?* **court**. *Read the story:* **Story 4: Inside a Court Room**.

**Domestic Violence Order** *n.* This is another name for **DVO**.

*Related words:* **DVO**. *What is this word about?* **legal documents**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**. [\*]



**DPP** *n.* This is another name for **Director of Public Prosecution**.

*Related words:* **Director of Public Prosecutions**. *What is this word about?* **people**. *Read the story:* **Story 1: Laws in Australia**.

**DVO** *n.* A DVO (Domestic Violence Order) is a law-paper from the police or a judge. A DVO has rules (**orders**) that are like a shield to protect **victims** from family violence by the violent person.

When police think that a person is violent or is hurting someone in his family, police will give that person a DVO paper. This DVO paper has rules that the person must follow. These rules tell that person that he must stop doing things that will hurt his family. When a person breaks these rules, the police will **arrest** that person and take him to court. In court, the judge might send that person to prison.

**More information:** There are three main types of DVOs:

- There is a 'no contact' DVO which says that a violent person cannot live with or go near the victim. Also he cannot contact the victim by telephone, facebook, or computer (like email).
- There is a 'no drinking, no drugs' DVO. This says that when the violent person is drunk or taking drugs, he can't be with, talk to or contact the victim. Only when the person is full sober can he be together with the victim.
- There is a 'no violence' DVO. This says that the violent person can still live with and contact the victim but he can't hurt the victim, abuse the victim, swear at victim, smash, burn or damage the victim's things, threaten or scare the victim.

When the violent person follows these rules, he will not get in more trouble. When the violent person breaks any of the DVO rules, police will arrest him and the judge might send him to prison.

When anyone wants to change the DVO rules, he must go to court and ask a judge to change those rules. Only the judge can change the DVO rules.

*Related words:* **order**; **police**; **court**; **offender**. *What is this word about?* **legal documents**, **laws**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

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## E – e

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**earliest release date** *n.* When a Judge sentences an offender to a **non-parole period**, the earliest release date is the first day a prisoner is allowed to come out of prison on **parole**. The prisoner will get released only when the **Parole Board** decides to release him.

The earliest release date is also called 'ERD'. 'Earliest release date' is the end of the prisoner's **non-parole period**.

*Related words:* **apply for parole**; **parole**; **non-parole period**; **prisoner**; **Parole Board**. *What is this word about?* **sentencing**, **prison**. *Read the story:* **Story 4: Inside a Court Room.**

**electronic record of interview** *n.* The law says that when police officers talk to a **suspect** in the police **interview room**, they must make a DVD or CD recording. This recording is called an Electronic Record of Interview. Another name is 'EROI'.





**More information:** The EROI is a kind of evidence. Police will take the recording to **court** and the **judge** will listen to the suspect's words. Then the judge will decide if the suspect broke the law or didn't break the law.

Related words: **interview**; **interview room**; **suspect**; **evidence**. What is this word about?  
**police**, **evidence**. Read the story: **Story 3: Police Interviews**.

**ERD** *n.* This is another name for **earliest release date**.

*Related words: **earliest release date**. What is this word about? **prison, sentencing**. Read the story: **Story 4: Inside a Court Room**.*

**EROI** *n.* This is another name for **electronic record of interview**.

*Related words:* **electronic record of interview**. What is this word about? **evidence, police**.  
*Read the story:* **Story 3: Police Interviews**.

**evidence** *n.* Evidence is information (story) that a **judge** or **jury** uses to decide about a **court case**.

When police **charge** a person, that person will go to court. In court, the **judge** or **jury** hear different stories about that person (the **defendant**) and the things that the **prosecutor** says the defendant did. The judge or jury must decide what stories are true and what stories are false.

This is how they will find out: The lawyers will show them **evidence** that might show if a story is true or false. This evidence might be:

- the story from a **witness** who saw or heard something that can help the judge or jury decide.
- some object like a knife, gun or shirt.
- video.
- sound recordings.
- fingerprints.
- DNA.



- An expert person, like a doctor, who examined a dead body or looked at an injured person, and can say what happened.

**More information:** The judge or jury can only decide about a court case using the evidence they hear and see in court. They cannot go and get other information outside of court or talk to people outside of court to help them decide.

There are many rules about what kinds of things the lawyers can bring into court and show the judge or jury as evidence. Defence



lawyers and prosecutors will argue about what evidence is allowed to come into the courtroom, and then the judge will decide if that evidence is allowed to come into the court room. The judge or jury can only think about this evidence that they hear and see in court. When a person, tells her story to a judge in court, she is 'giving evidence'.

*Related words:* **adversarial system**; **judge**; **prosecution**; **defence**; **witness**; **fingerprint**; **admissible evidence**; **inadmissible evidence**; **testimony**. *What is this word about?* **evidence**, **police**. *Read the story:* **Story 2: Offence and Police Investigation**.

**evidence-in-chief** *n.* A lawyer can call a **witness** to come to court to tell her story (**give evidence**). When a lawyer asks a witness to come to the court room to tell her story, that lawyer will be the first person to question her.

The words that the witness says to that lawyer in the court room are called **evidence-in-chief**.

**More information:** The questions that the lawyer asks to the witness are called **examination-in-chief**.

*Related words:* **witness**; **lawyer**; **barrister**; **give evidence**; **evidence**; **cross-examination**; **hearing**; **prosecutor**; **examination-in-chief**. *What is this word about?* **evidence**, **court**. *Read the story:* **Story 7: Contesting a matter in the Magistrates Court**.

**examination-in-chief** *n.* In a **court case**, a lawyer can call a **witness** to come to court and tell her story (**give evidence**). When a lawyer asks a witness to come to the court room to tell her story, that lawyer will be the first person to ask the witness questions. The questions that this lawyer asks the witness are called examination-in-chief.

After that, a lawyer from the other side will ask the witness questions. This is called **cross-examination**.



*Related words:* **evidence-in-chief**; **cross-examination**; **witness**; **give evidence**. *What is this word about?* **court**, **evidence**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court**.

**executive** *n.* The executive is one of the three parts of the government. The other parts are the **parliament**, also called legislature, and the **judiciary**. The government departments and **cabinet** are the executive. The executive is also called the 'executive government'.



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The executive controls things like schools, hospitals and the police. One of the jobs of the executive is to make sure government workers follow the laws, and to make sure they spend the government's money in the way that the law says. The executive does not have the power to make laws or to punish people who break the law.

**More information:** The leader of the executive for the whole of Australia, called the Commonwealth, is the Prime Minister, and also the members of the Federal Cabinet. Each person that is a member of this cabinet is called a minister. Each minister is in charge of a Federal Government department. The leader of the executive for the Northern Territory is the Chief Minister, and also the members of the Territory Cabinet. Each person that is a member of this cabinet is also called a minister. Each minister is in charge of a Northern Territory Government department.

*Related words:* **Constitution**; **legislature**; **judiciary**; **judicial**; **separation of powers**. *What is this word about?* **government**. *Read the story:* **Story 1: Laws in Australia**.

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## F – f

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**family law** *n.* Family law are the laws about husbands and wives separating, and also about taking care of children.

Sometimes husbands and wives want to separate and cannot agree about many things. They can go to **court** and ask a **judge** to decide for them. The judge uses family law to decide. These are **laws** about things like:

- who will look after the children and for what amounts of time.
- who must pay money to the other parent or partner to help with looking after the children.
- how to divide up money and things.

**More information:** The **Commonwealth Parliament** makes laws about family law, not the Northern Territory Parliament.

*Related words:* **judge**; **law**; **court**; **Commonwealth Government**; **parliament**. *What is this word about?* **laws**. *Read the story:* **Story 1: Laws in Australia**.

**Federal Government** *np.* This is another name for **Commonwealth Government**.

*Related words:* **Commonwealth Government**. *What is this word about?* **government**. *Read the story:* **Story 1: Laws in Australia**.

**Federal Parliament** *np.* This is another name for **Commonwealth Parliament**.

*Related words:* **Commonwealth Parliament**. What is this word about? **government**. Read the story: **Story 1: Laws in Australia**.

**file** *1 • n.* A file is all the papers that a **lawyer**, **prosecutor**, **police officer** or **judge** will use when they work on a **court case**. Many different law-papers are kept together, and these papers are called the 'file'.



**Example:** A lawyer might say to the judge, "Your Honour, I don't have my file." This means that the lawyer is saying she doesn't have the law-papers for that court case.

*2 • v.* Lawyers have many law-papers they will give to the **court registry** for court business. When a lawyer gives a law-paper to the court registry, a court worker will sign that law-paper and stamp it with the court's special stamp and then later give it to the judge. When the lawyer does this she has '**filed**' it with the court.

**More information:** When lawyers give law-papers to the court the court worker will also give back stamped copies. The court always keeps the original signed documents, not the photocopies.

*Related words:* **indictment**; **Supreme Court**; **court registry**; **court officer**; **court case**. What is this word about? **court**, **legal documents**. Read the story: **Story 9: The Supreme Court will decide the most serious cases**.

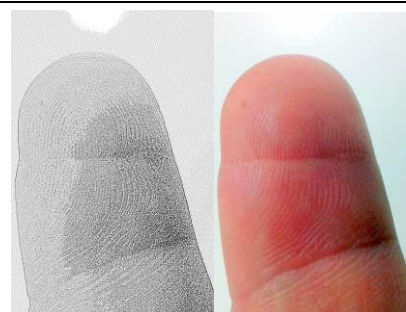
**fine** *v & n.* Fine is when a **judge** punishes an **offender** by telling him to pay some money to the **government**. The money that is paid to the government is called a **fine**.

The judge will decide how much money the offender must pay. This money does not go to the judge or to the police. The money goes to the government, and some of that money is for helping **victims**.

**More information:** When a person does not pay his fines, the **government** might make the fine bigger or do things like take away that person's driver's license.

*Related words:* **judge**; **offender**; **sentence**; **government**. What is this word about? **sentencing**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**fingerprint** *n.* Whenever a person touches something with his fingertips, like maybe a glass or window, he puts a picture there which is very hard to see. This picture is a fingerprint. No two people in all the world have the same fingerprint.



When **police** try to find out who broke the law, they will search for fingerprints by using powder that will stick to those fingerprints. If they find some fingerprints, they take photos. The photo of those fingerprints is a kind of **evidence**. Police will use these fingerprints to show them who broke the law.

**More information:** When police take a person to the police station and hold them there, the law says they can collect the person's fingerprint using ink. If that fingerprint is the same as the photo of the fingerprints at the **crime scene**, then the police might know who broke the law.

*Related words:* **identify**; **evidence**; **investigate**; **crime scene**; **police**. What is this word about? **police**, **evidence**. Read the story: **Story 2: Offence and Police Investigation**.

**forensic testing** *n.* Forensic testing is when a scientist does a special test on things like blood, hair or fingerprints. This test might show the police who broke the law.

When someone has broken the law, the police might find things like **fingerprints**, or blood, or a hair at the **crime scene**, the place where someone broke the law. Police can ask scientists to check a **suspect's** fingerprint and see if it is the same as the one left at the crime scene, or his blood or his hair to see if it is the same. This work by scientists is called 'forensic testing.'<sup>2</sup>.



**More information:** The police can then say to the judge, "This person's hair is the same as the hair we found at the crime scene, so we know this person was there. We think he is the one who broke the law there."<sup>2</sup>

*Related words:* **fingerprint**; **sample**; **crime scene**; **suspect**; **evidence**. What is this word about? **evidence**. Read the story: **Story 5: Getting a case to court**.

**full term** *n.* When a judge **sentences** an offender to time in prison, the whole time the offender must stay in **prison** is called the full term. It is also called the 'head sentence'.

*Related words:* **sentence**; **offender**; **prison**. What is this word about? **sentencing**, **prison**. Read the story: **Story 11: Parole**.

**fully suspended sentence** *n.* This is another name for **wholly suspended sentence**.

*Related words:* **wholly suspended sentence**; **suspended sentence**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

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## G – g

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**general deterrence** *n.* A judge punishes (**sentences**) an **offender** so that other people will hear about it and will think, "If I break the law, I will also get punished. I must not break the law that way." That is called general deterrence.

General deterrence makes people think like this, "If I do what he did, I'll get punished too, so I better not do that".

*Related words:* **offender**; **sentence**; **crime**; **judge**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**give evidence** *v.* Give evidence is when a person tells her story to a **judge** or **jury in court**. The person who tells her story is called a **witness**.

*Related words:* **evidence**; **witness**; **summons**. *What is this word about?* **court**, **evidence**. *Read the story:* **Story 5: Getting a case to court.**



**Good Behaviour Bond** *n.* A Good Behaviour Bond is one way a **judge** will punish (**sentence**) a person who broke the law. A judge orders the **offender** not to break the law for a long time, maybe 1 year or 2 years. The judge might also make rules (**conditions**) that the offender must obey.

When an offender does not obey the judge or breaks the law again, the offender will come back to court and the judge might punish the offender more severely or make the offender pay a **fine**.

**More information:** A **court officer** will write the rules and on law-paper. The offender will sign the law-paper to show that he promises to obey the good behaviour bond.

*Related words:* **order**; **defendant**; **judge**; **offender**; **conditions**; **sentence**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**government** *n.* Government is a group of people who have power from the **Constitution** to make laws and control government departments and money.

There are two groups of people in the government. The people who make laws are called the **parliament**. We choose these people at an election. The other group who are called government are the people who control government departments and money. These are also called the **executive**. All government workers must obey the law when they do the work of the government.

*Related words:* **three levels of government; separation of powers; executive; parliament; Constitution.** What is this word about? **government.** Read the story: **Story 1: Laws in Australia.**

**guilty** *adj.* When a person is guilty, it means that a **judge or jury** decided that he broke the law.

**More information:** In court, 'guilty' has a different meaning from when people use the word outside of court. In Court, 'guilty' does not mean that a person feels guilty. Guilty means that the person broke the law. A judge can say that a defendant is guilty, even when the defendant does not feel guilty.

*Related words:* **magistrate; jury; plea of guilty; plea of not guilty; find guilty.** What is this word about? **evidence, court.** Read the story: **Story 7: Contesting a case in the Magistrates Court.**

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## H – h

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**head sentence** *n.* This is another name for **full term**.

*Related words:* **full term.** What is this word about? **sentencing.** Read the story: **Story 11: Parole.**

**hearing** *n.* A hearing is a **court case** in the Magistrates Court when the magistrate decides if a **defendant** did break the law or did not break the law.

The magistrate will think about all the **evidence**, then the magistrate will decide.

**More information:** At the start of the hearing the **prosecutor** will read the **charges**, and the defendant will say 'not guilty.' Then the prosecutor will bring the evidence against the defendant into the court room. The witnesses will tell their stories to the magistrate. The magistrate will listen to the witnesses.

Maybe the defendant will tell his story to the magistrate. Maybe the defendant will not tell his story. The defendant's lawyer will help the defendant decide.



Then the magistrate must think about all the evidence and use the **standard of proof** to decide if the defendant is **guilty** or **not guilty** of the charge. This means the magistrate must decide if the defendant is guilty **beyond reasonable doubt**.

A hearing is also called a 'defended hearing' or a 'contested hearing'.

*Related words:* **court case**; **verdict**; **magistrate**; **defendant**; **guilty**; **not guilty**; **summons**; **prosecutor**; **evidence**; **defended hearing**; **witness**; **give evidence**; **standard of proof**; **charge**; **beyond reasonable doubt**. *What is this word about?* **court**, **evidence**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court**.

**hearsay** *n.* Hearsay is a law about **evidence**. This law says that when a **witness** tells her story (**gives evidence**) in court, a **judge** will stop that witness talking about what other people have said about the trouble (**crime**).

A witness must not tell another person's story. The witness must only tell her own story, that is, the things that the witness saw with her own eyes.

*Related words:* **inadmissible evidence**; **evidence**. *What is this word about?* **evidence**, **court**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court**.

**Home Detention Order** *n.* A Home Detention Order is one way a **judge** will punish (**sentence**) an **offender**. A Home Detention Order says that the offender must stay in his home and must not leave the home. It is like being in prison, in the offender's home.

The judge will tell the offender how many months or years he must stay in his home and obey the Home Detention Order rules.

**More information:** A Home Detention Order has rules that the **offender** must follow. It usually has these rules:

- The offender must not leave his home.
- The offender must not drink alcohol or take any other drugs.
- The offender must open the door at his house when the PPO comes to the offender's house.

When an offender breaks the rules of the Home Detention Order, a judge will decide about sending the offender to **prison**. Also, if the offender breaks the law again, he will go to prison.

A court worker will write the Home Detention Order on a law-paper. The offender will sign his name on that paper and that means he agrees that he will obey the rules in the Home Detention Order.

*Related words:* **sentence**; **offender**; **PPO**; **probation and parole officer**; **parole officer**; **community custody order**; **community based order**; **community work order**; **prison**.

What is this word about? **sentencing, legal documents**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

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## I – i

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**identify** *v.* Identify means to say who a person is. To identify is when a **witness** tells a police officer or a judge who it was that the witness saw break the law.

**More information:** Maybe the witness doesn't know the other person's name. Then the police might show the witness the photos of the person or describe what he looks like. If the witness says, "Yes, that is the person who broke the law", she is "identifying" that person.



*Related words:* **witness; police officer**.

What is this word about? **evidence, police**. Read the story: **Story 2: Offence and Police Investigation..**

**illegal** *adj.* When a person does something that breaks the law, it is illegal. A judge might punish (**sentence**) a person who did something that is illegal.

**More information:** Illegal sometimes has a different meaning to 'unlawful'. 'Illegal' means against the law, and 'unlawful' means without permission from the law. Sometimes these words mean the same thing, sometimes they mean different things.

*Related words:* **legal; lawful; unlawful**. What is this word about? **laws**. Read the story: **Story 1: Laws in Australia**.

**imprisonment** *n.* Imprisonment means staying in prison. Imprisonment is one way a judge will punish (**sentence**) a person who breaks the law.

When a **judge sentences** an **offender** to imprisonment, the offender will stay in prison. The judge will say exactly how many days, months or years the offender must stay in prison.

*Related words:* **prison; judge; offender; sentence; Parole Board; parole**. What is this word about? **sentencing, prison**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**inadmissible** *adj.* This is another name for **inadmissible evidence**.

*Related words:* **inadmissible evidence**. What is this word about? **evidence**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**inadmissible evidence** *n.* There are laws about what **evidence** a **judge** or **jury** is allowed to think about when they decide a **court case**. Evidence that the judge or jury is not allowed to think about is called inadmissible evidence.

**More information:** When a judge or jury decide about a court case, they must only think about the evidence they see and hear in the **court room**. The judge or jury will not talk to other people outside the court room to help them decide.

When the evidence is inadmissible, the judge must not think about it. In a **jury trial**, the judge will not allow the jury to see or hear this evidence when they are deciding about the case.

**Example:** A witness in court says, "My sister saw the defendant break into the shop." This is inadmissible evidence. The law does not allow a judge or jury to listen to a witness talk about stories that the witness has heard from other people. This law is called **hearsay**.

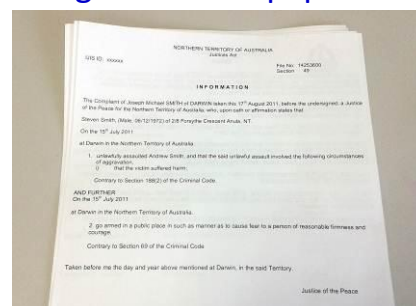
*Related words:* **evidence**; **admissible evidence**; **hearsay**. What is this word about? **evidence**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**indictment** *n.* An indictment is a law-paper that lawyers and judges use in the **Supreme Court**. Prosecutors write the **accused's** charges on this paper and give this paper to the Supreme Court Judge.

*Related words:* **indictable offence**; **Supreme Court**; **prosecutor**; **court case**; **information**; **complaint**. What is this word about? **legal documents**. Read the story: **Story 9: The Supreme Court will decide the most serious cases**.

**information** *n.* Information is a law-paper that police and lawyers use in the **Magistrates Court**. A **police officer** writes the charges on this paper and gives it to the magistrate.

When a police officer believes a person broke the law, she writes down a **charge** on a law-paper. When the charge is serious, that is, the defendant might go to jail for more than 2 years, the law-paper is called an information.



**More information:** When the charges are not serious, that is, the law says there will be a smaller punishment, the law-paper is called a '**complaint**'. When the court case is in the Supreme Court, the law-paper is called an '**indictment**'.

*Related words:* **police**; **law**; **charge**; **Magistrates Court**; **court case**. What is this word about? **legal documents**. Read the story: **Story 5: Getting a case to court**.

**information for courts** *n.* This is another name for **criminal record**.

*Related words:* **criminal record**. What is this word about? **legal documents**. Read the story: **Story 3: Police Interviews**, **Story 5: Getting a case to court**.

**innocent** *adj.* Innocent means 'this person did not break the law.'

*Related words:* **presumption of innocence**. What is this word about? **1 Laws in Australia**. Read the story: **Story 1: Laws in Australia**.

**innocent until proven guilty** *adj.* This is another name for **presumption of innocence**.

*Related words:* **presumption of innocence**. What is this word about? **laws**. Read the story: **Story 1: Laws in Australia**.

**instruct** *v.* To instruct means to 'tell.' When a **client** tells his **lawyer** what he wants to do, this is called instructing the lawyer.

When a **lawyer** talks for a **defendant** at **court**, the lawyer is working for the defendant. A **defendant** will tell his lawyer if he will plead **guilty** or **not guilty** to the **charges**. That is, the defendant tells the lawyer what he wants to do.

The defendant will also tell his story about the **offence** to his lawyer. When he tells his story, he is also instructing his lawyer.

**More information:** When a lawyer talks for a defendant in court, the lawyer must follow the defendant's **instructions**. That is, the lawyer must follow what the defendant says. If a lawyer does not follow the defendant's instructions, then the defendant can ask for a new lawyer.



*Related words:* **lawyer**; **defendant**; **court**; **guilty**; **not guilty**; **charge**. What is this word about? **lawyers and clients**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

## instructions *n.* Instructions comes from the word **instruct**.

*Related words:* **instruct**. What is this word about? **lawyers and clients**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

## interpreter *n.* An interpreter is a person who speaks two or more languages and has training to listen to a message in one language and put that message into another language. The interpreter helps people talk to each other when those people speak different languages.

Interpreters work in **court**, with **defence lawyers**, **prosecutors**, **corrections officers** and **police officers**. Court interpreters and legal interpreters must have training to understand legal words and understand **court**.

**More information:** Interpreters must follow rules.

- An interpreter is impartial. That is, the interpreter is in the middle and does not take sides with any of the people who are talking. The interpreter will not talk about her own opinion.

- An interpreter will keep everything people say secret. The interpreter will not tell that story to other people later.

- An interpreter must keep the message the same. An interpreter cannot add anything or leave anything out when she interprets into the other language.



There are rules, called 'The NT Supreme Court Interpreter Protocols' that say how interpreters work in court.

*Related words:* **Aboriginal Interpreter Service**; **interview**; **accused**; **defendant**; **offender**. What is this word about? **people, lawyers and clients**. Read the story: **Story 3: Police Interviews**, **Story 7: Contesting a case in the Magistrates Court**.

## interpreter service *n.* Interpreter service is like the **Aboriginal Interpreter Service**.

*Related words:* **Aboriginal Interpreter Service**. Read the story: **Story 3: Police Interviews**, **Story 7: Contesting a case in the Magistrates Court**.

## interview *v & n.* An interview is when a person asks another person many questions to find out the story about what happened or the story about his life.



**More information:** A **lawyer** will interview her **client** to hear the client's story. In a **police interview**, police officers will interview a **suspect** to ask about the suspect breaking the law. The interview will happen outside the **court room**.

*Related words:* **police interview**; **lawyer**; **client**; **police officer**. What is this word about? **lawyers and clients, police**. Read the story: **Story 3: Police Interviews**.

**interview room** *n.* There is a room in every police station where police **interview suspects**, who are people the police think might have broken the law. This room is called an interview room.

**More information:** In the interview room **police officers** will talk to the **suspect** and ask him questions about what happened. There is a table, chairs, and video and voice recording machines in the interview room.



*Related words:* **interview**; **police**; **suspect**. What is this word about? **police**. Read the story: **Story 3: Police Interviews**.

**investigate** *v.* Investigate means to find out what happened.

When a person breaks the law, the police must learn about everything that happened. That is, they must 'investigate'. To do this, they ask people who saw or heard something about it. They look for clues called **evidence**, such as **fingerprints**, to help them find out who may have broken the law.



*Related words:* **evidence**; **fingerprint**. What is this word about? **police**. Read the story: **Story 2: Offence and Police Investigation**.

**investigation** *n.* Investigation comes from the word **investigate**.

*Related words:* **investigate**. What is this word about? **police**. Read the story: **Story 2: Offence and Police Investigation**.

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## J – j

**jail** *n.* This is another name for **prison**.

*Related words:* **prison**. What is this word about? **sentencing, prison**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court, Story 11: Parole**. [\*]

**joint criminal enterprise** *n.* This is another name for 'common purpose'.

*Related words:* **common purpose**. What is this word about? **laws**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**joint enterprise** *n.* This is another name for 'common purpose'.

*Related words:* **common purpose**. What is this word about? **laws**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**judge** *n.* A **judge** is a senior law-person who has special power to decide legal problems.

A judge is impartial. She is in the middle between the two sides in court. The judge will think like this, "it does not matter to me who wins, I only decide according to the law."

A judge has the power to say what a law means, and to tell people who come to court how they must follow the law. A judge controls the court room. Everyone in the court room, such as **lawyers**, **prosecutors**, **police officers** and **witnesses**, must follow what the judge tells them. The judge has the power to punish (**sentence**) people who break the law. When people or groups of people have a legal problem and cannot agree on what to do, the judge has the power to decide what is right according to the law.



**More information:** No-one can tell a judge how to decide about a court case. Members of parliament, including the Prime Minister, can't tell the judge how to decide. Police can't tell the judge how to decide.

When a person does not like what a judge decided, he can **appeal** what the judge decided to a more powerful court. In the Northern Territory, there are two kinds of judges. A judge who sits in the Magistrates Court is called a '**magistrate**' and a judge who sits in the Supreme Court is called a '**Supreme Court Judge**'. She is also called 'Judge'. The coroner is another kind of judge.

**In this dictionary, judge means 'magistrate' and 'Supreme Court Judge'.**

*Related words:* **magistrate**; **Supreme Court Judge**; **coroner**. What is this word about? **people**. Read the story: **Story 1: Laws in Australia**.

**judge's associate** *n.* A Judge's Associate is a person who works for a **Supreme Court Judge** in the Supreme Court. She is sometimes called an associate.

**More information:** The judge's associate wears a black robe, but she does not wear a wig like a **Judge**. In court, the associate sits in front and below the judge. When a **jury** is in court, the **judge's associate** will read aloud the **charges**, so everyone in court knows why the **accused** is there.

The judge's associate will help the judge look after all the law-papers a judge uses to decide the **court case**.



*Related words:* **judge**; **Supreme Court**; **jury**; **charge**; **accused**; **arraign**. What is this word about? **people**. Read the story: **Story 4: Inside a Court Room**.

**judicial** *adj.* Judicial is from the word **judiciary**.

*Related words:* **judiciary**. What is this word about? **1 Laws in Australia**. Read the story: **Story 1: Laws in Australia**.

**judiciary** *n.* The judiciary is one of the three parts of the government. (The other parts are the **executive** and the **parliament**.) Sometimes the judiciary is called 'the judicial branch', which is all the **judges**. Sometimes it is called the **courts**.

**More information:** The judiciary or **judges** have the power to say what a law means, and tell people who come to court how they must follow the law. A judge has the power to punish people who break the law.

When two people or groups cannot agree on what to do, the judge has the power to decide what is right according to the law. If the parliament makes a law that is not a proper law according to the **Constitution**, the judicial branch has the power to say that law is wrong according to the Constitution. Then the other courts will not follow that wrong law. Parliament might change that law.

*Related words:* **judge**; **executive**; **parliament**; **legislative**; **legislature**; **court**; **judge**; **Constitution**; **separation of powers**; **judicial**; **adversarial system**; **court**. What is this word about? **government**. Read the story: **Story 1: Laws in Australia**.

**jurisdiction** *n.* Jurisdiction means the power to decide about a law. It also means the power that comes from a law.

Each court has laws that it is allowed to decide about. There are other laws that the court cannot decide about. A court's jurisdiction is its power to decide about those laws.

There are also many different jurisdictions of **courts** in Australia. For example, the Northern Territory **Supreme Court**, Northern Territory **Magistrates Court**, and the Family Court. Each court has the power to decide some areas of law but not others. A court cannot decide anything that is in another court's jurisdiction. For example, a **family law** court can't decide about a criminal law matter. That is not in its jurisdiction.

**More information:** There are law-making jurisdictions for different parliaments. The Commonwealth Parliament in Canberra is allowed to make laws about things such as Centrelink, bringing drugs from overseas and protecting wildlife in National Parks. The Northern Territory Parliament can make other laws about things like assault, stealing and driving laws.

*Related words:* **law**; **court**; **Supreme Court**; **family law**; **Magistrates Court**. *What is this word about?* **government**. *Read the story:* **Story 1: Laws in Australia**.

**jury** *n.* In a **criminal law court case** in the **Supreme Court**, a jury is a group of 12 adult citizens. A jury will decide if a person (the **accused**) did or did not break the law. The jury sit in the **jury box** inside the **court room**.

The jury must listen to the **evidence** from the **witnesses**, then they will decide.

**More information:** After the witnesses give their evidence, the jury must leave the court room and talk together about the evidence. The jury must think about this question: Does the evidence show (**prove**) that the accused is guilty **beyond reasonable doubt**? The jury must continue talking about it until they all agree about the answer, so they can decide if the **accused** is **guilty** or **not guilty**.



After the jury decide if the accused did or did not break the law they come back into the court room. One of the people from the jury will speak in the court and tell the judge what they decided. What the jury decides is called the **verdict**.

People in the jury must not talk to anyone else about the court case. They must only talk with other people in the jury and decide together.



*Related words:* **jury box**; **court room**; **evidence**; **witness**; **accused**; **guilty**; **not guilty**; **verdict**; **trial**; **verdict**. *What is this word about?* **10 Jury trials in the Supreme Court, people.**  
*Read the story:* **Story 10: Jury trials in the Supreme Court.**

**jury box** *n.* The jury box is the place inside the **court room** where the **jury** sits. From the jury box, the jury can look at and listen to a **witness** when she gives **evidence**. The jury box is on one side of the court room and the **dock** is on the other side.



*Related words:* **jury**; **court room**; **witness**; **evidence**; **dock**. *What is this word about?* **10 Jury trials in the Supreme Court.** *Read the story:* **Story 10: Jury trials in the Supreme Court.**

**juvenile** *n.* Any person not yet 18 years old is called a juvenile. Another name is 'youth'. When a juvenile becomes 18 years old, he is called an **adult**.

**More information:** There are special laws that protect juveniles. For example, when police think a juvenile broke a law, the police must wait until the juvenile has an adult carer with him, then the police can ask the juvenile questions. There are also other laws that say a juvenile cannot do some things that adults can do. For example, juveniles cannot buy alcohol or cigarettes.

*Related words:* **adult**; **police**; **law**. *What is this word about?* **people.** *Read the story:* **Story 3: Police Interviews.**

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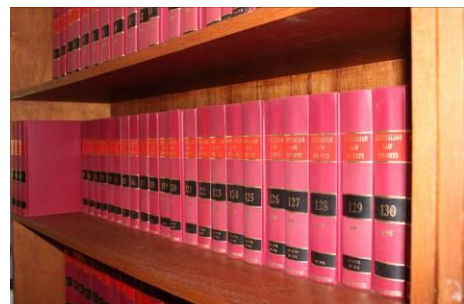
## L - I

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**law** *n.* When a **Parliament** makes a rule, it is called a law. Some laws tell us what we must do, and some laws tell us what we must not do. Laws help people to live peacefully with each other. Laws also tell us about things like **criminal offences**, paying money to the government, running businesses and owning property.

**More information:** The **Constitution** gives power to governments to make laws. Governments make laws to protect its citizens and people living in the country. All people living in Australia must follow the laws that the **parliament** makes.

When **judges**, **lawyers** or **police** say the word '**law**' they are talking about the laws made by **parliament**, or by a judge in a **court**. If anyone else makes a rule it is not called law. Only Parliament and judges make law.





The members of the **Commonwealth Parliament** in Canberra makes laws for the whole of Australia.

There is another parliament in Darwin that makes laws for the Northern Territory. It is called the Northern Territory Parliament. Other States and Territories have their own parliaments too. When the members of parliament make a new law, they must write down all the sections of the Act, called a **Bill**. When a majority of the parliament agree with this Bill it is called an **Act**. Whenever judges decide something in court, they write down what they said. This is called **common law**.

There are many groups of laws. All of the laws in each group are about the same sort of thing. One group is criminal law, another group is family law, another group is property law, and another group are laws about the government.

Laws are different from rules and they are different from traditions. There are also some things that most people think are right or wrong but there is no law about them.

For example, they might say, "We must respect old people." That might be a good thing to do, but it is not a law. Another example is about what is called adultery. Many people say it is wrong for anyone to have sex with somebody else's partner, but there is no **criminal law** about this adultery.



*Related words:* **parliament**; **judge**; **court**; **Act**; **judge**; **Commonwealth Parliament**; **State Parliament**; **parliament**; **legislation**; **government**; **lawyer**; **police**; **Constitution**. *What is this word about?* **laws**, **government**. *Read the story:* **Story 1: Laws in Australia**.

**lawful** *adj.* When a person does something and she has power from the law to do it, it is lawful.

*Related words:* **unlawful**; **legal**; **illegal**; **law**. *What is this word about?* **laws**. *Read the story:* **Story 1: Laws in Australia**.

**lawyer** *n.* A lawyer is a person who has special power from the law to talk in court and help people with legal problems.

A lawyer's job is to help a person (**client**) by explaining the **law** to him. In **civil law** the lawyer will represent the client against another person or company in a legal dispute. In criminal law the lawyer must listen to the defendant, follow his **instructions** and speak for him in the court.



**More information:** A lawyer follows many rules which tell her what she can and cannot do when she works in court. For example, a lawyer cannot tell her client's story outside of court, unless the **client** agrees. A lawyer must not tell a judge something that the lawyer knows is not true.



Lawyers go to university for a long time to learn about Australian law. After they complete their university studies, they must do more study and training. After this, the **Supreme Court** gives them permission to work in **court**. It is like a licence to work in court.

*Related words:* **Supreme Court**; **court**; **case**; **law**; **judge**; **client**. *What is this word about?* **people**. *Read the story:* **Story 1: Laws in Australia**.

**legal** *adj.* Anything a person does that does not break the law is called legal.

*Related words:* **illegal**; **lawful**; **unlawful**; **law**. *What is this word about?* **laws**. *Read the story:* **Story 1: Laws in Australia**.

**legal aid** *n.* Legal aid is when a lawyer helps a person with that person's legal trouble and that person does not pay for the lawyer, or the person only pays a small cost.

**More information:** Lawyers might only give legal aid help to people who do not have much money. Sometimes lawyers only give legal aid help when there is serious trouble. That is, the **defendant** might go to jail.

Sometimes people say the word 'legal aid' to talk about organisations that give people legal aid help. Some examples of legal aid groups are NAAJA, CAALAS and NTLAC.

*Related words:* **lawyer**. *What is this word about?* **lawyers and clients**, **people**. *Read the story:* **Story 5 Getting a case to court**.

**legislation** *n.* This is another name for an **Act**.

*Related words:* **Act**. *What is this word about?* **laws**, **government**. *Read the story:* **Story 1: Laws in Australia**.

**legislature** *n.* This is another name for **parliament**.

*Related words:* **parliament**. *What is this word about?* **laws**, **government**. *Read the story:* **Story 1: Laws in Australia**.

**local government** *np.* Most towns and communities have a council or shire. Councils and shires are also called Local Government.

**More information:** Local Governments control things like:

- sports grounds.
- street signs.
- building permits.
- collecting rubbish.

Every Local Government must follow the laws made by the Commonwealth and the State or Territory Governments.

*Related words:* **State Government; Territory Government; Commonwealth Government; three levels of government.** What is this word about? **government.** Read the story: **Story 1: Laws in Australia.**

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## M – m

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**magistrate** *n.* A magistrate is a judge who works in the Magistrates Court.

A magistrate is impartial. She is in the middle between the prosecutor and defence lawyer. The magistrate does not take sides with the defence lawyer, prosecutor, police officer, corrections officer or anyone else in the court room.

The magistrate listens to the prosecutor and defence lawyer talk. Then the magistrate decides according to the law. A magistrate controls the court room. The defendant, defence lawyer, prosecutor, police officers and everyone else in the court room must do what the magistrate tells them.

A magistrate has power to decide if a person broke the law and also to punish (sentence) an offender who broke the law.

*Related words:* **judge; Magistrates Court.** What is this word about? **people.** Read the story: **Story 4: Inside a Court Room.**

**Magistrates Court** *np.* A Magistrates Court has three parts: The Court of Summary Jurisdiction, which decides about crimes committed by adults; The Youth Justice Court, which decides about crimes committed by juveniles; and the Local Court which hears civil law cases.

The judges in the Magistrates Court are called magistrates. The Magistrates Court does not have the power (jurisdiction) to decide about some crimes. These crimes are too serious for the Magistrates Court to decide. That is, the law says these crimes might have a big punishment (sentence), for example, murder.



Only the Supreme Court has the power (jurisdiction) to decide those crimes. The **Supreme Court** is the most powerful **court** in the Northern Territory. It has power over the Magistrates Court. When a magistrate made a wrong decision, and a lawyer **appeals** that decision, the Supreme Court can change a decision from the Magistrates Court.

*Related words:* **adult; juvenile; civil law; Supreme Court; court; jurisdiction; case; appeal; magistrate.** *What is this word about?* **4 Inside a Court Room.** *Read the story:* **Story 4: Inside a Court Room.**

**matter** *n.* This is another name for **court case**.

*Related words:* **court case.** *What is this word about?* **court.** *Read the story:* **Story 1: Laws in Australia.**

**mention** *n.* A mention is a date for the **prosecutor, defence lawyer and defendant** to go to **court** to discuss with the **judge** what is happening with the **court case**.

**More information:** The judge will say when the court dates will be and decides if the defendant must attend or not. It is the job of the defence lawyer to tell the defendant about his next date to come to court.

*Related words:* **contest mention; hearing; defence lawyer.** *What is this word about?* **court.** *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**minister** *n.* A minister is a member of **parliament** that the Prime Minister or Chief Minister chooses to be in charge of a **government department**. Senior government ministers are also members of **cabinet**.

*Related words:* **parliament; cabinet.** *What is this word about?* **government.** *Read the story:* **Story 1: Laws in Australia.**

## N – n

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**NAAJA (North Australian Aboriginal Justice Agency)** *n.* **NAAJA** is the **legal aid** organisation for Aboriginal people in the Top End and Katherine regions.

*Related words:* **legal aid.** *What is this word about?* **lawyers and clients, people.** *Read the story:* **Story 5: Getting the matter to court.**

**non-parole period** *n.* The non-parole period is the part of a prison **sentence** when the prisoner must stay in **prison**. At the end of a non-parole period, the **Parole Board** will decide about **parole** for the prisoner, 'yes' or 'no'. They might decide 'yes', then they will let the prisoner out of jail to live in the community (called **parole**). The prisoner must agree to obey the rules on his **Parole Order**.

*Related words:* **prison**; **sentence**; **Parole Board**; **parole**; **full term prisoner**; **jail**; **parole order**. *What is this word about?* **sentencing**, **prison**. *Read the story:* **Story 11: Parole**.

**not guilty** *adj.* Not guilty can mean different things. It might mean that a person did not break the law. It might mean that there is not enough evidence to say that the person broke the law.

**More information:** At a **hearing** or **trial**, the **prosecutor** must bring **evidence** that shows that the defendant is **guilty**. When there is not enough evidence to show (**prove**) that the defendant broke the law, the magistrate or jury must decide that the defendant is not guilty.

When the magistrate or jury says that the defendant is not guilty, the **court case** is finished and the defendant will not get punished (**sentenced**).

*Related words:* **defendant**; **law**; **guilty**; **court**; **plea of not guilty**; **hearing**; **prosecutor**; **evidence**; **sentence**. *What is this word about?* **court**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court**.

**NTLAC (NT Legal Aid Commission)** *n.* NTLAC is one of the **legal aid** organisations in the Northern Territory.

*Related words:* **legal aid**. *What is this word about?* **people**. *Read the story:* **Story 5: Getting a case to court**.

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## O – o

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**oath** *n.* An oath is a promise.

When a **witness** tells her story (**gives evidence**) in court she must promise to tell the true story. To show that she will keep that promise, the witness might promise God that she will tell the true story in **court**. The witness will put her hand on a Bible when she promises to tell the true story. When she does that, her promise is called an oath.





When a witness lies after she speaks an oath, she is breaking the **law** and maybe the judge will punish her.

**More information:** When people speak an oath in court, it is called 'swear an oath' or 'make an oath'. When a person swears an oath, it is sometimes called a 'sworn oath'.

*Related words:* **testimony**; **affidavit**; **swear**; **crime**; **administer an oath**; **witness**; **court**; **law**; **crime**; **affirmation**. What is this word about? **court**. Read the story: **Story 5: Getting a case to court**.

**object** *v.* This is another word for **objection**.

*Related words:* **objection**. What is this word about? **court**, **evidence**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**objection** *n.* In court, objection means 'stop!' or 'I do not agree.'

There are laws telling the **prosecutor** and **defence lawyer** what they are allowed to talk about and what they are allowed to ask the **witnesses** about.

A lawyer will call out 'objection' when she thinks the other lawyer is breaking these rules. There are also laws what a witness is allowed to talk about.

**Example:** When a prosecutor asks a witness a question that the defence lawyer doesn't like, the defence lawyer might call out, "Objection!" This means, "Stop! You must not ask that."

The defence lawyer thinks that the prosecutor is breaking those rules so she calls out to stop the witness from answering. Then the judge will decide when the witness will answer and when the witness will not answer.



*Related words:* **contested hearing**; **object**; **admissible evidence**; **magistrate**; **judge**; **prosecutor**; **defence lawyer**; **witness**. What is this word about? **court**, **evidence**. Read the story: **Story 7: Contesting a case in the Magistrates Court**.

**offence** *n.* This is another name for **criminal offence**.

*Related words:* **criminal offence**. What is this word about? **laws**. Read the story: **Story 2: Offence and Police Investigation**, **Story 5: Getting the matter to court**.

**offender** *n.* An offender is a person who breaks the law.

When a judge or jury says that a person is **guilty**, that person is now called the offender. He is no longer called the **defendant** or the **accused**.

*Related words:* **criminal offence**; **defendant**; **suspect**; **accused**. *What is this word about?* **people**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court, Story 4: Inside a Court Room.**

**offensive weapon** *n.* An offensive weapon is anything that a person uses to hurt other people. Also, when a person uses something to make someone scared that he might hit or hurt the other person, that thing is called an offensive weapon.



**More information:** When a person is carrying a weapon and he thinks maybe he will use it to hurt or scare another person, that weapon is called an offensive weapon. It does not matter that the person does not use that thing to hurt or scare anyone.

*Related words:* **suspect**; **charge**; **crime**. *What is this word about?* **laws**. *Read the story:* **Story 9: The Supreme Court will decide the most serious cases.**

**on remand** *n.* This is another name for **remand in custody**.

*Related words:* **remand in custody**. *What is this word about?* **court**, **prison**. *Read the story:* **Story 5: Getting a case to court.**

**operational period** *n.* When a judge punishes (**sentences**) an offender using a **suspended sentence**, the operational period is how many months or years the offender must obey the court rules (**orders**) when the offender is living in the community.

**More information:** When a judge punishes an **offender** with time in prison, the judge might give a suspended sentence. This means the **offender** will go to jail for part of the punishment (**sentence**) and then live in the community for part of the punishment. The judge will make rules that the offender must obey while he is living in the community. The operational period is how many months or years the offender must obey the rules when he is living in the community.

**Suggestion:** Instead of saying: 'You are sentenced to 8 months in prison, suspended after 3 months, with an operational period of 12 months.'

Say: 'You are going to jail for 3 months, then you will be let out of jail. You must obey these rules (**orders**) for 12 months. If you do not obey these orders, you will go back to jail for 5 months.'

*Related words:* **sentence**; **suspended sentence**; **offender**; **full term**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**order** *n.* An order is a law-paper that a judge writes for a person. There are rules (**conditions**) on the order that the person must obey.

**More information:** The person will sign his name on that paper and that means he agrees that he will obey the rules on the order. When a person does not obey an order from a judge, the person will go back to court and the judge might punish that person or give him a different order.

In a sentencing order, the judge writes down all the rules the **offender** must obey as part of his punishment (**sentence**). There are other orders, like Bail Orders and Domestic Violence Orders.

*Related words:* **law**; **sentence**; **judge**; **offender**; **Community Based Order**; **Community Custody Order**; **Community Work Order**; **Domestic Violence Order**; **Home Detention Order**; **Parole Order**. *What is this word about?* **sentencing**, **court**. *Read the story:* **Story 4: Inside a Court Room**, **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**outstanding warrant** *n.* When a **defendant** does not come to **court** on the right day, the **judge** might write a **warrant of apprehension** and give it to the **police**. This gives police power to arrest the defendant. Until the police arrest the defendant, that warrant is called an 'outstanding warrant.'

*Related words:* **offender**; **court**; **judge**; **warrant of apprehension**; **police**. *What is this word about?* **police**, **court**. *Read the story:* **Story 5: Getting a case to court**.

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## P – p

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**parliament** *n.* The parliament is one of the three parts of the **government**. The others are the **executive** and the **judiciary**. The parliament is also called the legislative branch or **legislature**.

This part of government writes the laws that everyone has to obey. This part of government also gives government money to the executive, and writes the laws about how the executive has to spend that money.

**More information:** In the Northern Territory Parliament there are 25 members of parliament. The citizens of the Northern Territory elect them from different regions of the Northern Territory.

The members of parliament meet together in Parliament House in Darwin to make new laws. They are called the Legislative Assembly. The **Commonwealth Parliament** has members of parliament from all the different regions of Australia. The citizens of Australia elect them and they meet in Parliament House in Canberra to make laws.

*Related words:* **executive; judiciary; Constitution; separation of powers; Commonwealth Parliament.** *What is this word about?* **1 Laws in Australia.** *Read the story:* **Story 1: Laws in Australia.**

**parole** *n.* Parole is a law that lets some prisoners leave prison early and finish their prison time (prison **sentence**) living in the community.

**More information:** When a judge sends an **offender** to jail, the judge might give the offender a **non-parole period** and a **full term**. The **non-parole period** is that part of a prison sentence when the prisoner must stay in prison. After that, the **Parole Board** might allow a prisoner to leave prison. Parole is that part of a **sentence** when the prisoner lives out of prison in the community until his **full term** is finished. But the prisoner is not completely free. He must follow the rules in the **parole order** until the full term is finished.

*Related words:* **non-parole period; Parole Board; prison; sentence; full term; Parole Order; prisoner.** *What is this word about?* **prison, sentencing.** *Read the story:* **Story 11: Parole.**

**Parole Board** *np.* The Parole Board is a group of people who together decide about giving prisoners **parole**. The leader of the Parole Board must be a **Supreme Court Judge**.

The Parole Board decides if a prisoner can go out of prison on **parole**. They can only allow parole for the prisoner after the prisoner has been in prison for the **non-parole period** of his **sentence**.

**More information:** When a prisoner **breaches** parole, the Parole Board decides if they will send him back to prison.

*Related words:* **Supreme Court Judge; non-parole period; parole officer; parole report; street time; parole; breach; prisoner.** *What is this word about?* **prison, people.** *Read the story:* **Story 11: Parole.**

**Parole Officer** *n.* This is another name for a **Probation and Parole Officer**.

*Related words:* **Probation and Parole Officer.** *What is this word about?* **prison, people.** *Read the story:* **Story 11: Parole.**

**Parole Order** *np.* When a prisoner leaves prison on **parole**, the **Parole Board** writes a Parole Order on law-paper. The Parole Order says how many years that person will be on parole. It also says what rules (**conditions**) the person must obey while he is on parole.

*Related words:* **parole; Parole Board; prisoner; conditions.** *What is this word about?* **prison, legal documents.** *Read the story:* **Story 11: Parole.**

**parole report** *n.* A parole report is a law-paper from a PPO to the Parole Board talking about a prisoner.

A PPO writes a parole report for the Parole Board. In this report the PPO tells the story about what that prisoner has done while he is in prison. That story will help the Parole Board to decide about letting the prisoner leave prison on parole.

**More information:** In the parole report, the PPO will write about:

- The programs the prisoner finished in prison.
- Is the prisoner sorry for his crime?
- Where the prisoner will live while he is on parole.
- Who the prisoner will live with when he is on parole.
- What colour shirt the prisoner is in prison (classification rating). Is the prisoner, a green shirt, red shirt, yellow shirt?
- Anything that might cause the prisoner to break the rules while he is on parole. In the parole report, the PPO will tell the Parole Board if the PPO thinks it is good for the Parole Board to give the prisoner parole.

*Related words:* parole officer; Parole Board; prisoner; prison; parole; sentence. *What is this word about?* sentencing, prison. *Read the story:* Story 11: Parole.

**PEA (preliminary examination argument)** *np.* This is another name for preliminary examination.

*Related words:* preliminary examination. *What is this word about?* court. *Read the story:* Story 9: The Supreme Court will decide the most serious cases.

**PEM (preliminary examination mention)** *np.* This is another name for preliminary examination.

*Related words:* preliminary examination. *What is this word about?* court. *Read the story:* Story 9: The Supreme Court will decide the most serious cases.

**PEO (preliminary examination oral)** *np.* This is another name for preliminary examination.

*Related words:* preliminary examination. *What is this word about?* court. *Read the story:* Story 9: The Supreme Court will decide the most serious cases.

**personal deterrence** *n.* A judge punishes (sentences) an offender so that the offender thinks 'When I break the law, I get punished. I must not break the law again.' This is called personal deterrence. Another name for this is 'specific deterrence'.



*Related words:* **sentence**; **judge**; **offender**; **crime**; **general deterrence**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**plea of guilty** *n.* A plea of guilty means that the **defendant** says to the **judge**, "It is true. I agree that I broke the law. I agree that you will punish me." It means that the defendant agrees that the police story (**statement of facts**) is true.

**More information:** The **prosecutor** or **judge's associate** will read out the **charge** in court. Then he will ask the defendant, "Do you plead guilty or not guilty?"



When the defendant says, "Guilty," that is a plea of guilty.

Then the prosecutor will read the statement of facts to the judge. The **defence** lawyer will say "These facts are admitted." This means, "We agree that this story is true".

*Related words:* **defendant**; **judge**; **statement of facts**; **prosecutor**; **charge**; **plea of not guilty**; **guilty**. *What is this word about?* **court**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**plea of not guilty** *n.* A plea of not guilty means that the **defendant** says to the **judge**, "I do not agree that I broke the law."

In court, the **prosecutor** will ask the defendant, "How do you plead? Guilty, or not guilty?" When the defendant says, "Not guilty," this is a plea of not guilty.

**More information:** There are four different reasons why a defendant will plead 'not guilty'. When a defendant says 'not guilty' to the judge in court, he might mean:

1. I did not break the law.
2. I did break the law, but the police story is not true.
3. The police story is true, but I had a proper reason to do it. (For example, when a defendant hits another person who was trying to hit the defendant, the judge might say that the defendant is not guilty because of a law called self-defence.)
4. I did break the law, but I want the **magistrate** or **jury** to see the **evidence** then decide if I broke the law. That is, I want the **prosecutor** to bring evidence to **prove** that I broke the law.

*Related words:* **defendant**; **charge**; **precis**; **magistrate**; **judge**; ; **sentence**; **prosecutor**; **hearing**; **trial**; **plea of guilty**; **beyond reasonable doubt**; **evidence**; **prove**. *What is this word about?* **court**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**police** *n.* Police officers are part of the **executive** government and they are caretakers of the law. Their job is to make sure that people do not break the law that **parliament** makes.

When someone breaks the law, the law requires the police to try to find out who did it and what happened.

**More information:** The parliament makes laws which say what police can or cannot do, so they have enough authority to do their job. Because of this, police can do some things that other people cannot do.

For example, when police think a person has broken the law, they can take that person to the police station and hold him there for a short time for **questioning**. If there is enough **evidence**, they will **charge** that person and take him to **court**. If there is not enough evidence then the law requires police to let that person go.

In court, the police can tell the **magistrate** or **judge** what laws they think the person broke. Police will also go to court to show the magistrate or jury any evidence that might show that the defendant broke the law. The **magistrate** or **jury** then decides if the person did break the law or did not break the law. The law says that police do not have power to punish people. Only a judge has power from the law to punish (**sentence**) people.

*Related words:* **parliament**; **executive**; **court**; **magistrate**; **judge**; **jury**; **police officer**; **charge**; **investigate**; **questioning**. *What is this word about?* **people**, **police**. *Read the story:* **Story 1: Laws In Australia, Story 2: Offence and Police Investigation.**



**police caution** *n.* To caution a person means to tell a person to think carefully before he tells police that he broke the law. The law says that when police officers want to ask a **suspect** about breaking the law, the **police officers** must warn the suspect to think carefully about telling his story. This warning is called the police caution.

The law says that a suspect can decide about what he wants to say to the police officers. The law says that a suspect can say nothing to police, or the suspect can tell the police his story. Before police officers ask the suspect any questions, they must explain this law so that the suspect understands the law.

**Suggestion:** Explain the caution like this: Police think that maybe you broke the law. The police will ask you questions about this trouble. Maybe they will ask you to show them something about that trouble. If you don't want to say anything to them or show them anything, that's ok. The police cannot force you to say anything about that trouble. They cannot force you to show them anything.

You decide what you want to talk about with the police. The Police will record your story - everything you say and everything you show them. Police might take your story to court and the judge and other people in Court can listen to your story and hear you talking. They will listen to your words to decide if you did break the law or if you didn't break the law.

*Related words:* **arrest**; **court**; **judge**; **evidence**; **police**. *What is this word about?* **police**, **laws**.  
*Read the story:* **Story 3: Police Interviews**, **Story 5: Getting a case to court**.

**police custody** *n.* Police custody is when a police officer puts a person in custody.

*Related words:* **custody**. *What is this word about?* **police**. *Read the story:* **Story 3: Police Interviews**.

**police interview** *n.* A police interview is when police officers ask a suspect questions about breaking the law.

When police think a person broke the **law**, that person is called a **suspect**. Police officers will ask the suspect about that trouble. They will also record everything that everyone says. This is called an interview.

**More information:** Two **police officers** will talk to the **suspect** in an **interview room** at a police station, and they record everyone talking. Police might take this recording to the court. This recording is a kind of **evidence**.



The judge or jury will listen to this recording to decide if the suspect broke the law. In an interview, the police will ask the suspect many questions about the trouble. The police will see if the suspect says "Yes, I did that. I broke the law." When the suspect talks like this, it is called an **admission** or **confession**.

*Related words:* **police**; **law**; **suspect**; **suspect**; **interview room**; **police officer**; **judge**; **evidence**; **guilty**; **admission**; **questioning**. *What is this word about?* **evidence**, **police**. *Read the story:* **Story 3: Police Interviews**, **Story 5: Getting a case to court**.

**police officer** *n.* This is another name for **police**.

*Related words:* **police**. What is this word about? **police**, **people**. Read the story: **Story 2: Offence and Police Investigation**.

**police prosecutor** *n.* This person is a **police officer** who works like a **prosecutor** in the **Magistrates Court**. A police prosecutor is different from a prosecutor because the police prosecutor is not a lawyer.

**More information:** To become a **police prosecutor**, a **police officer** learns more about the law and courts than other police officers.

*Related words:* **prosecutor**; **police officer**; **lawyer**; **court**. What is this word about? **people**. Read the story: **Story 4: Inside a Court Room**.

**policeman** *n.* This is another name for **police**.

*Related words:* **police**. What is this word about? **people**. Read the story: **Story 2: Offence and Police Investigation**.

**possession** *n.* According to the law, possession means two different things. It means that a person has something with him. For example he might have gunja or a knife in his pocket.

Possession also means that a person is in charge of something. For example someone might hide alcohol in a car and go away from the car. He is still 'in possession' of that alcohol, even though he is not holding that alcohol with his hands.

**More information:** The law also says that a person must know that the thing is there, otherwise it is not called possession. For example, if a person puts alcohol in another person's car, and that other person does not know it is in his car, he is not in possession of the alcohol.

*Related words:* **charge**. What is this word about? **laws**. Read the story: **Story 3: Police Interviews**.

**PPO** *n.* This is a short name for 'Probation and Parole Officer'. A PPO works with **defendants** and **offenders** outside of prison. The PPO will **supervise** offenders and defendants to check that they obey a judge's rules (**orders**).

A PPO will also write **parole reports** for the **Parole Board**, and help people on **parole** obey their **Parole Order**.

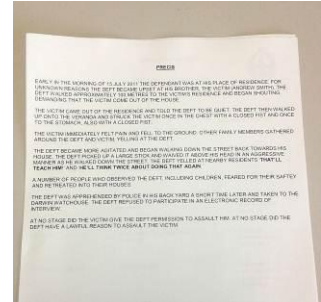
**More information:** When a judge thinks about how to punish (**sentence**) an offender, the judge might ask the PPO, "Do you think this person will obey the rules that I give him?" The PPO will talk with the offender and then write a report for the judge. The report might say "Yes, this person will obey the rules" or it might say "No, this person will not obey the rules."

The other work of the PPO is to supervise an offender to make sure he is doing all the things that the judge told him to do. When an offender does not obey what the judge said, he has **breached** the **order**, and the PPO will make the offender go back to **court**. Then the judge then might punish him more.

*Related words:* **supervise**; **court**; **offender**; **order**; **breach**; **sentence**. *What is this word about?* **people**, **sentencing**. *Read the story:* **Story 4: Inside a Court Room.**

**précis** *n.* A précis is a law-paper where police write the police story about how a person broke the law.

It is also called 'crown facts'. The police will write what they think the person did. It is the short story that goes with the charges. The **prosecutor** gives this précis to the **defence lawyer** the first time the **defendant** appears in court.



*Related words:* **offence**; **defence lawyer**; **prosecutor**; **defendant**; **appear in court**. *What is this word about?* **court**, **legal documents**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**pre-hearing mention** *n.* A pre-hearing mention is a court **mention**. When a defendant decides to **contest the charges**, that is, plead **not guilty**, the **magistrate** will **adjourn** the court for 6 weeks. In that 6 weeks, the **prosecutor** must give the **defence lawyer** the **brief of evidence**.

Then the prosecutor, the defence lawyer and the **defendant** will go back to **court**. This court date is called a pre-hearing mention. At the pre-hearing mention, the magistrate will check that the prosecutor has already given the brief of evidence to the defence lawyer. The magistrate will also check that the defendant still wants to contest the charges. Then the magistrate will adjourn the case to a later date for a **hearing**.

**More information:** Pre-hearing mention used to be called a 'contest mention'.

*Related words:* **mention**; **contest the charges**; **plea of not guilty**; **not guilty**; **magistrate**; **adjourn**; **prosecutor**; **defence lawyer**; **brief of evidence**; **court**. *What is this word about?* **court**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**preliminary examination** *n.* A preliminary examination is a **court mention** in the Magistrates Court for the magistrate to decide about sending a **court case** to the **Supreme Court**.

When the police **charge** a person, the first **court** that deals with those charges is always the **Magistrates Court**. But if the charges are serious, that is, there is a big punishment, the court case must go to the **Supreme Court**.



Before the charges go to the Supreme Court, a **magistrate** must think about the **evidence** against the **defendant**. She does this at a court hearing called a Preliminary Examination where she reads the **brief of evidence** and might hear evidence from **witnesses**. If there is enough evidence to make the magistrate think, 'Maybe this defendant is guilty' then she will send the defendant to the Supreme Court.

**More information:** There are three steps to preliminary examinations. The first step is always a court hearing called a **PEM**. Sometimes when a defendant wants to **contest the charges**, his lawyer might ask the magistrate to agree for two more steps called a PEA and a PEO, so that the magistrate can hear the witnesses tell their stories in court.

*Related words:* **charge; court; Magistrates Court; indictable offence; jurisdiction; Supreme Court; magistrate; evidence; brief of evidence; defendant; defence lawyer; prosecutor; witness.** *What is this word about?* **court.** *Read the story:* **Story 9 The Supreme Court will decide the most serious cases.**

**presumption of innocence** *n.* The presumption of innocence is a rule that says this: It is only when a judge says that a person broke the law that we can treat that person like he is guilty. Otherwise, we must treat that person like he is innocent.

When police **charge** a person with breaking the law, everyone must keep treating that person as though he has not broken the law until his case is finished. This means that people cannot say "the police say you broke the law, so we know this is true." They must wait for a judge to say that the **defendant** broke the law, then they can say "we know you broke the law." This is part of the foundation for **criminal law**. It is called 'presumption of innocence'.

**More information:** This rule means that in a criminal **trial**, the defendant is not required to do anything to show the **judge** that he is **innocent**. The prosecutor is required to bring the evidence to court to show (**prove**) that the defendant is **guilty**.

*Related words:* **charge; court; guilty; defendant; prove; offence; evidence; burden of proof; innocent; criminal law; police; trial; judge; prosecutor; beyond reasonable doubt; allegation.** *What is this word about?* **laws.** *Read the story:* **Story 1: Laws in Australia.**

**prior record** *n.* This is another name for **criminal record**.

*Related words:* **criminal record.** *What is this word about?* **court, sentencing, legal documents.** *Read the story:* **Story 3: Police Interviews, Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**priors** *n.* This is another name for **criminal record**.

*Related words:* **criminal record**. *What is this word about?* **court**, **sentencing**, **legal documents**.  
*Read the story:* **Story 3: Police Interviews**.

**prison** *n.* Prison is a place where the government keeps people who are on **remand** waiting for court and people who a **judge sentenced** to **imprisonment**. A prisoner is not allowed to leave prison until he has stayed for his **full time** or a judge or the **Parole Board** lets him out early.

*Related words:* **prisoner**; **sentence**; **judge**; **Parole Board**; **imprisonment**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**, **Story 11: Parole**.

**prisoner** *n.* A person who the **executive government** keeps in prison is called a prisoner.

*Related words:* **prison**; **non-parole period**; **parole**; **earliest release date**; **parole report**; **parole order**. *What is this word about?* **sentencing**, **prison**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**, **Story 11: Parole**. [\*]

**Probation and Parole Officer** *n.* A Probation and Parole Officer works with **defendants** and **offenders** outside of prison. The Probation and Parole Officer will **supervise** offenders and defendants to check that they obey a judge's rules (**orders**). A Probation and Parole Officer is also called a PPO or Parole Officer.

A PPO will also write **parole reports** for the **Parole Board**, and help people on **parole** obey their **Parole Order**.

**More information:** When a judge thinks about how to punish (**sentence**) an offender, the judge might ask the PPO, "Do you think this person will obey the rules that I give him?" The PPO will talk with the offender and then write a report for the judge. The report might say "Yes, this person will obey the rules" or it might say "No, this person will not obey the rules."

The other work of the PPO is to supervise an offender to make sure he is doing all the things that the judge told him to do. When an offender does not obey what the judge said, he has **breached** the **order**, and the PPO will make the offender go back to **court**. Then the judge then might punish him more.

*Related words:* **supervise**; **court**; **offender**; **order**; **breach**; **sentence**. *What is this word about?* **people**, **sentencing**. *Read the story:* **Story 4: Inside a Court Room**.

**produce documents** *v.* When a judge uses a **summons** or **subpoena** to tell a person to bring papers to court, that person must 'produce documents'. That is, she must bring those papers to the court room.

*Related words:* **summons**; **subpoena**. *What is this word about?* **court**, **evidence**. *Read the story:* **Story 5: Getting a case to court.**

**proof** *n.* 1. This is another word for **prove**.

2. Proof can also mean **evidence**.

*Related words:* **prove**; **evidence**. *What is this word about?* **evidence**. *Read the story:* **Story 1: Laws in Australia.**

**proofing a witness** *v.* Proofing a witness is when a lawyer meets with a witness before the witness tells her story (**gives evidence**) in court.

The lawyer will talk to the witness to check if the witness' story is still the same as the **witness statement**. The lawyer will also check if the witness can still remember what happened and tell the witness about what will happen in court.

*Related words:* **witness**; **evidence**; **witness statement**; **court**; **lawyer**. *What is this word about?* **court**, **evidence**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

**prosecution** *n.* This is another name for **prosecutor**.

*Related words:* **prosecutor**. *What is this word about?* **people**. *Read the story:* **Story 4: Inside a Court Room.**

**prosecutor** *n.* A prosecutor is a **lawyer** who works for the **government** in **court**. A prosecutor helps the police **prove** the police story.

The prosecutor tells the **judge** about the **laws** she thinks a person broke and brings **evidence** to the judge which shows that the person broke the **law**. The prosecutor is on one side in court and the **defence lawyer** is on the other side.



*Related words:* **lawyer**; **government**; **police**; **court**; **judge**; **law**; **evidence**; **defence lawyer**. *What is this word about?* **people**. *Read the story:* **Story 4: Inside a Court Room.**

**prove** *v.* Prove means to use **evidence** in court to show that something is true.

Lawyers prove something when they show a **judge** or **jury** in a **court** that something is true. When a lawyer tells the judge something, the judge or jury does not know if it is true or not. So lawyers have to bring **evidence** for the judge to see or hear. This evidence will help the judge or jury to know if something is true or not true. In court lawyers try to prove their story is true and they try to prove that the other side's story is not true.

*Related words:* **judge**; **evidence**; **court**. What is this word about? **evidence**. Read the story: **Story 1: Laws in Australia**.

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## Q – q

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**questioning** *n.* When the police think someone broke the law, they ask that person about it. This is called questioning. The police question the **suspect** so they can get information (**evidence**).

**More information:** When the police get enough information, then they write on law-paper those **laws** that they think the suspect broke. This means they **charge** the suspect.

*Related words:* **suspect**; **evidence**; **law**; **charge**; **interview**. What is this word about? **evidence**, **police**. Read the story: **Story 3: Police Interviews**.

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## R – r

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**rehabilitation** *n.* Rehabilitation means to change how a person behaves so he does not break the law again.

To rehabilitate a person means to help that person change so that he can live in the community without breaking the law. When an offender is in rehabilitation, he might learn about things like not drinking alcohol, finding a job, not being angry, not being violent, and finding a place to live. These things will help the offender live in the community without breaking the law.

*Related words:* **sentence**; **offender**. What is this word about? **sentencing**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**remand** *v & n.* This is another name for **remand in custody**.

*Related words:* **remand in custody**. What is this word about? **prison**. Read the story: **Story 5: Getting a case to court**. [\*]

**remand in custody** *v.* Remand in custody means that the government (the **executive government**) keeps a person locked up, but that person's **court case** is not finished yet.

Sometimes when a **defendant** goes to **court**, the **judge** does not finish hearing everything in one day. Then the judge will decide the day when the defendant will come back to court so the judge can keep hearing the **court case**. The judge will choose where the defendant will wait. Maybe the judge will give the defendant **bail**, so the defendant will wait in the community.

Maybe the defendant will wait in jail. When he goes back to jail to wait for his **court appearance**, it is called 'remanded in custody' or 'on remand'.

**More information:** People who are in prison 'on remand' are kept in a different part of prison than people who are in prison because the judge sentenced them to prison (**imprisonment**).

*Related words:* **adjourn**; **bail**; **defendant**; **custody**; **judge**; **court**; **sentence**. *What is this word about?* **prison**, **court**. *Read the story:* **Story 5: Getting a case to court.**

**resist arrest** *v.* Resist arrest is when a person tries to stop a police officer from arresting him.

When the **police arrest** a person, that person must not try to run away, or make it harder for the police to arrest him. He must not try to stop the police from arresting him. When he does this, the police will say, "You are resisting arrest."



When someone resists arrest, he is breaking a **criminal law** and a **judge** can punish him.

*Related words:* **police**; **arrest**; **law**; **judge**. *What is this word about?* **laws**, **police**. *Read the story:* **Story 5: Getting a case to court.**

**revoke** *v.* Revoke means to take back or stop a **court order**.

The **Parole Board** might revoke a person's parole. This means the Parole Board takes away that person's parole and the person must go back to prison to finish his punishment (**sentence**). A judge might revoke a **defendant's bail**. This means the defendant will go to prison and wait in prison for his next court date.

**More information:** The Parole Board might give a prisoner **parole** and let the prisoner leave **prison**. When a prisoner breaks the rules of his **Parole Order**, the Parole Board will stop his parole and send him back to prison. That is, the Parole Board will **revoke** his parole and send him back to prison.

When the Parole Board revokes parole for a person, they send him back to prison for all of the rest of his sentence. The Parole Board does not think about the time the person was out of prison on parole (called '**street time**'). And they do not reduce the rest of his sentence for that time.

*Related words:* **Parole Board**; **parole**; **parole order**; **prison**; **street time**; **full term**; **prisoner**; **defendant**; **bail**. *What is this word about?* **prison**. *Read the story:* **Story 11: Parole.**



**right** *n.* A right is a law that says a person can do anything she wants as long as she does not break the law, and other people cannot stop her. A right is also a law that protects a person from other people, and protects a person from government workers like police, Centrelink or Housing workers.

**More information:** There are many different rights. For example, 'Anti-discrimination laws' stop people from treating a person worse because she is Indigenous or because she is a woman or because she is sick. In Australian law, everyone - Indigenous and non-Indigenous - has the same rights.

Some rights come from the **Constitution**, some rights come from **Acts** and some rights come from the **courts** (common law).

*Related words:* **law**; **right to silence**; **constitution**; **Act**; **court**. *What is this word about?* **laws**.  
*Read the story:* **Story 3: Police Interviews**.

**right to remain silent** *n.* This is another name for **right to silence**.

*Related words:* **right to silence**. *What is this word about?* **laws**. *Read the story:* **Story 3: Police Interviews**.

**right to silence** *n.* When police officers speak to a **suspect** who might have broken the law, the suspect can choose to stay silent and not answer the police officers' questions. The police cannot force him to talk. A suspect can choose what things he wants to talk about with police. This is called the right to silence.

**More information:** Later in court, police and the prosecutor cannot say to the **judge**, "This person did not talk to us. Therefore, he must be hiding the truth. He must be guilty of breaking the law." No, this law says they cannot talk like that.



**Suggestion:** Instead of saying: "You have the right to remain silent. Anything you do say may be used in evidence."

Say: "We think that maybe you broke the law. That is why we brought you here. We want to ask you questions about this trouble. The law says that if you don't want to say anything to us, that's ok. We cannot force you to talk to us or answer our questions. We will record your story - everything you say. We might take your story to court and the judge and other people in court will hear you talking on that recording. They will listen to your words to decide if you did break the law or if you didn't break the law."

*Related words:* **suspect**; **judge**; **caution**; **evidence**. *What is this word about?* **evidence**, **police**.  
*Read the story:* **Story 3: Police Interviews**.

**robbery** *n.* When a person hurts another person so that he can steal something from that person, it is called robbery.

**More information:** It is also robbery when that person says or does something to show that he might hurt that person, and then steals something. Also, even if he doesn't actually hurt that person but he makes that person scared, it is still called robbery. Robbery is more serious than stealing. The law says that people who break this **law** go to the **Supreme Court**.

*Related words:* **crime**; **law**; **Supreme Court**; **stealing**. *What is this word about?* **laws**. *Read the story:* **Story 9: The Supreme Court will decide the most serious cases.**

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## S – s

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**search warrant** *n.* A search warrant is a law-paper that a judge gives to police. It gives police officers power to search the places or possessions of the person whose name is on that law-paper.

Sometimes the search warrant allows police officers to search the body of a person named on the law-paper. Sometimes, the search warrant allows police officers to search the clothes that a person is wearing and also his house and things. The police will look for anything that might be **evidence** that shows that person has broken the **law**.

**More information:** The law says that police officers cannot go into people's houses or search a person without a proper reason from the law. When police do not have power from the law to do these things, police must get a search warrant from a judge so that they have the power to do this.

*Related words:* **judge**; **police**; **evidence**; **law**. *What is this word about?* **police**, **evidence**. *Read the story:* **Story 5: Getting a case to court, Story 2: Offence and Police Investigation.**

**sentence** *v & n.* Sentence means 'to punish' or 'punishment'. Sentence is a word that shows that the punishment comes from a **judge** in a court.

When people say "the judge sentenced the offender" this means "the judge punished the offender". When people say "what is his sentence?" this means "what is his punishment?"

Some of the main ways that a judge will punish an **offender** are:

- **Fines.**
- **Good Behaviour Bonds.**
- **Community Work Orders.**
- **Community Based Orders.**
- **Suspended Sentences.**
- **Home Detention.**
- **Community Custody Order.**
- **Imprisonment.**

*Related words:* **fine**; **Good Behaviour Bond**; **Community Work Order**; **Community Based Order**; **suspended sentence**; **Home Detention**; **Community Custody Order**; **general deterrence**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**sentence conditions** *n.* When a judge punishes (**sentences**) an **offender**, the judge might tell the offender that the offender must obey some rules. These rules that the judge tells the offender to obey are called 'sentence conditions.'

The law says that offender must obey these rules. When an offender does not obey these rules, the offender will come back to court and maybe the judge will punish the offender more severely.

*Related words:* **conditions**; **order**; **sentence**; **offender**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**separation of powers** *n.* Separation of powers is a law from the **Constitution** that stops any part of the government from getting too much power.

When any person or group of people get too much power, they might use their power in bad ways. To stop this happening, the government has three separate parts.

One part is the legislature or **parliament**, which has the power to make laws. Everyone must follow these laws, including the judiciary and executive. The parliament does not have the power to manage government departments or decide about people's legal problems.

Another part is the **executive**, which has the power to put into action the parliament's decisions and manage the business of government departments, like police and hospitals. The executive does not have the power to make laws, and they must follow the laws the the parliament makes.

The third part is the **judiciary**, which is also called the **courts**. The judiciary has the power to decide about the law and people's legal problems. When the government or people do not understand what a law says, the judiciary has the power to say what that law means. The judiciary has the power to tell people how they must obey the law. The judiciary must also follow the laws that the parliament makes. The judiciary does not have power to make people obey the law - that is the job of the executive.

In this way each of these parts of the government has its own power. No part of government can try to take over the power of any of the other parts. Also, no part of government can do the work of another part. Each part of government will check on the other parts. So each group has to do all those things it is responsible for in the right way. This system is called the separation of powers. It lets the people in each part watch those in the other parts and stop them from using their power in a bad way.

*Related words:* **executive; parliament; legislature; judiciary; Constitution**. What is this word about? **laws, government**. Read the story: **Story 1: Laws in Australia**.

**serious harm** *n.* Serious harm is a **criminal** offence. It is when a person badly hurts another person and the body injury is so bad that the injured person requires treatment from the hospital or clinic. It is also serious harm when the injured person might die or gets an injury that doesn't get better.

**More information:** This **charge** is more serious than **assault**. The **magistrate** must send this **court case** to the Supreme Court for a Supreme Court Judge to decide.

*Related words:* **crime; charge; court case; Supreme Court; magistrate**. What is this word about? **laws**. Read the story: **Story 9: The Supreme Court will decide the most serious cases**.

**serve** *v.* Serve is when a person gives a law-paper to another person. That person must give the law-paper in a way that follows the law.

**Example:** When a **prosecutor** gives the **brief of evidence** to the **defence lawyer**, the prosecutor serves the defence lawyer with the brief of evidence.

*Related words:* **prosecutor; brief of evidence; defence lawyer**. What is this word about? **court, evidence, legal documents**. Read the story: **Story 9: The Supreme Court will decide the most serious cases**.

**solicitor** *n.* A solicitor is a **lawyer**. Solicitors help people to understand what the law says about their problems. They also write law-papers for their **clients**.



*Related words:* **lawyer**; **client**. What is this word about? **people, lawyers and clients**. Read the story: **Story 4: Inside a Court Room**.

**specific deterrence** *n.* This is another name for **personal deterrence**.

*Related words:* **personal deterrence**. What is this word about? **sentencing**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**standard of proof** *n.* 'Standard of proof' is a **law** that says how much **evidence** there must be before a **magistrate** or a **jury** can decide about a **case**. For criminal law, the standard of proof is called **beyond reasonable doubt**.

**More information:** The magistrate or jury can only decide about a case after listening to the evidence that lawyers bring to **court**. The magistrate or jury will listen carefully to the evidence to decide if there is enough evidence or not enough evidence. They can only say that a person has broken the law when there is enough evidence.

*Related words:* **evidence**; **case**; **judge**; **court**; **beyond reasonable doubt**; **verdict**. What is this word about? **evidence, court, laws**. Read the story: **Story 1: Laws in Australia**.

**State Government** *np.* The name State Government has two meanings, State **parliament** and State **executive**. There are six States and two Territories in Australia. Each one has its own government. The **Northern Territory Government** sits in Darwin. Its leader is the Chief Minister.

**1. State Parliament:** The parliament in the States and Territories have the power to make laws about some things. For example:

- laws about police.
- laws about hospitals.
- laws about roads.
- laws about schools.

The **Constitution** says that when the **Commonwealth Government** makes a law and a State or Territory Government makes a law about the same thing, and these two laws tell us to do different things, we must follow the Commonwealth law, not the State or Territory law.

**2. State executive:** This is the **cabinet** and government departments that control things like police, hospitals, schools and roads.

*Related words:* **government**; **Constitution**; **Territory Government**; **three levels of government**; **parliament**; **executive**; **law**; **cabinet**. What is this word about? **government**. Read the story: **Story 1: Laws in Australia**.



**State Parliament** *n.* This is the **parliament** for each State. There are six States in Australia.

*Related words:* **parliament**. What is this word about? **government**. Read the story: **Story 1: Laws in Australia**.

**statement** *n.* This is another name for a **witness statement**.

*Related words:* **witness statement**. What is this word about? **police**, **evidence**. Read the story: **Story 2: Offence and Police Investigation**.

**statutory declaration** *n.* A statutory declaration is a law-paper where a person writes her story and promises that the story is true.

When a person wants other people to believe that her story is true, she can write it on a Statutory Declaration paper and sign her name. When she signs her name, she is promising "My story is true."

**More information:** A person who writes an untrue story on a Statutory Declaration paper and signs her name on it breaks the law. A statutory declaration is a kind of **evidence**.

*Related words:* **evidence**; **witness statement**. What is this word about? **evidence**, **legal documents**. Read the story: **Story 5: Getting a case to court**.

**steal** *v.* To steal is when a person takes something that does not belong to him, and the person who owns the thing has not agreed to let that person take it.

**More information:** It is also stealing when a person has something and keeps it and does not give it back. The law says that when a person wants to take something or keep something that does not belong to him, that person must first get permission from the person who owns that thing. When the owner gives permission, then that person can take that thing.

When a person is guilty of stealing, a **magistrate** will hear the **court case** and decide the punishment (**sentence**).

*Related words:* **robbery**; **crime**; **offence**. What is this word about? **laws**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**stealing** *n.* This is another name for **steal**.

*Related words:* **steal**. What is this word about? **laws**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**street time** *n.* When a person is on **parole**, he leaves prison and lives in the community. He must obey the **parole order**. The months or years that he spends living out of prison on parole, right up to the end of his **parole order**, is called 'street time'.

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A person can leave prison on parole only when the **Parole Board** says he is allowed to.

*Related words:* **parole; full term; parole order**. *What is this word about?* **sentencing, prison**.  
*Read the story:* **Story 11: Parole**.

**submission** *n.* A submission is when a **lawyer** asks a **judge** to do something or tells the judge something in **court**. A lawyer can say a submission in court or write it down and give it to the judge. When a lawyer asks the judge to do something, or tells the judge something, it is called 'making a submission.'

**Example:** A lawyer might say to a judge, "Your Honour, it is my submission that this **witness** not be called to give **evidence**." This means "I say that you should not let this witness tell her story in court."

*Related words:* **lawyer; judge**. *What is this word about?* **court**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court, Story 9: The Supreme Court will decide the most serious cases**.

**subpoena** *n.* A subpoena is a law-paper from the **Supreme Court** telling a person that she must come to court or bring something, like documents, to court.

When a person gets a subpoena, she must obey the subpoena and go to court at the date and place the paper says. A person who does not obey the subpoena is breaking the law, and a judge might punish her. In the **Magistrates Court**, this paper is called a **summons**.

**More information:** The subpoena can be for different things. - it might tell a person that she must be a **witness** in court. - it might tell a person to bring some papers to the court.

*Related words:* **summons**. *What is this word about?* **court, evidence, legal documents**. *Read the story:* **Story 5: Getting a case to court, Story 9: The Supreme Court will decide the most serious cases**.

**summons** *n.* To summon means 'to call a person to come to a place'. A summons is a law-paper from a **court** telling a person she must come to court or bring something, like documents, to court.

When a person gets a summons, she must obey the summons and go to court at the place and date the paper says. A person who does not obey the summons is breaking the law, and a judge might punish her. In the Supreme Court, this paper is called a 'subpoena'.

**More information:** The summons can be for different things. - it might tell a person that she must be a **witness** in court. - it might tell a person to bring some papers to the court. - it might tell a person to go to court because police have **charged** him.

*Related words:* **give evidence; evidence; information; complaint; defendant.** *What is this word about?* **court, evidence, legal documents.** *Read the story:* **Story 5: Getting a case to court.**

**supervise** *v.* To supervise a person means to keep watch over him to make sure he does the right thing. When a person supervises another person, she also has the power to tell that person what to do.

**More information:** A **judge** might tell a **PPO** to supervise a person. Then the PPO might tell an **offender** to ring him up every week. She will check that the offender is obeying all the rules (**conditions**) from the judge. She will also check that the offender is obeying the law.

*Related words:* **parole officer; offender; conditions; judge; order; bail.** *What is this word about?* **sentencing, bail.** *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**supervision** *n.* This word comes from the word **supervise**. When a person is 'under supervision', it means that the court has given another person the power to supervise that person.

*Related words:* **supervise.** *What is this word about?* **sentencing.** *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**supervision assessment** *n.* A supervision assessment is when a **judge** tells a **PPO** to talk to a person to see if the PPO can **supervise** that person.

The **judge** wants the PPO to check that the person is safe to be out of jail. The judge also wants the PPO to check that the person will obey the rules (**conditions**) from the judge. The PPO will look at the person's **criminal record** and ask that person many questions. The PPO will write a report and give the report to the judge. The report will say "yes, we can supervise this person" or "no, we cannot supervise this person".

*Related words:* **judge; supervision; PPO; defendant; criminal history; bail conditions.** *What is this word about?* **court, sentencing.** *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**support person** *n.* When **police officers** talk to a **suspect** at the police station about some trouble, the suspect can ask for a friend or family member to come and sit with him. That person is called a 'support person'.

**More information:** The support person is there to help the person understand his **rights**. For example, when a **suspect** does not want to talk to police, the support person can tell the police officer that the suspect does not want to talk to them. The support person helps the **suspect** so he does not feel alone and checks that the police do not treat him badly. The support person is not the lawyer or interpreter for the suspect.

*Related words:* **interview**; **questioning**; **right**; **suspect**; **police officer**. What is this word about? **people**, **police**. Read the story: **Story 3: Police Interviews**.

**Supreme Court** *n.* The Supreme Court is the most powerful court in the Northern Territory. It has power over the **Magistrates Court**.

The Magistrates Court does not have the **jurisdiction** to decide about very serious **offences**. These offences are too serious for the Magistrates Court to decide. The Supreme Court will decide about them. A Judge in the Supreme Court can change what a magistrate decided in the Magistrates Court.



*Related words:* **Magistrates Court**; **jurisdiction**; **offence**; **Supreme Court Judge**. What is this word about? **court**. Read the story: **Story 4: Inside a Court Room**, **Story 9: The Supreme Court will decide the most serious cases**.

**Supreme Court Judge** *n.* A Supreme Court Judge is a **judge** who decides **court cases** in the **Supreme Court**. The law says that a Supreme Court Judge is more powerful than a **magistrate**.

A Judge has the power to say what a law means, and to tell people who come to court how they must follow the law.

A Judge controls the court room. Everyone in the court room, such as **lawyers**, **prosecutors**, **police officers** and **witnesses**, must follow what the Judge tells them.



A Judge has the power to punish people who break the law. When people or groups of people have a legal problem and cannot agree on what to do, a Judge has the power to decide what is right according to the law.

In the court room, a Supreme Court Judge sits high up at the front of the room at a desk called the **bench**.

**More information:** No-one can tell a Judge how to decide about a court case. Members of parliament, including the Prime Minister, can't tell the Judge how to decide. Police can't tell the Judge how to decide. The Judge will listen to the lawyers talk in court, then the Judge will decide according to the law. When a person does not like what a judge decided, he can **appeal** what the judge decided to a more powerful court.

In criminal **jury trials**, the Judge will decide what **evidence** the **jury** is allowed to listen to. The Judge will tell the jury what the law means, and what they must think about when they decide if the **accused** is guilty or not guilty.

When a jury decides that the defendant is guilty, the Judge will decide how to punish the offender. A Supreme Court Judge can change what a **magistrate** has decided in a **Magistrates Court**.

*Related words:* **judge**; **Supreme Court**; **magistrate**; **Magistrates Court**; **appeal**; **bench**.  
*What is this word about?* **people**. *Read the story:* **Story 4: Inside a Court Room**.

**surety** *n.* A surety is a person who helps a **defendant** with his **bail**. The surety promises to pay money to the **court** when a defendant **breaches** his **bail conditions**. The surety tells the **judge** that she will make sure that the **defendant** comes back to court at the right time, and obeys the **bail conditions**.

**More information:** When a defendant asks a judge for bail, the judge might make the defendant bring a surety to court. The judge will only give a defendant bail when the defendant has a surety. If the defendant does not go back to court on the right date, or if he breaches the bail conditions, the surety might have to pay the court some money.

*Related words:* **court**; **bail**; **breach**; **bail conditions**; **judge**; **defendant**. *What is this word about?* **6 Bail applications in the Magistrates Court, court**. *Read the story:* **Story 6: Bail applications in the Magistrates Court**.

**suspect** *n.* A suspect is a person who police think broke the law. When a police officer **charges** that person, then that person is called a **defendant**.

**More information:** When a person is called a suspect, it means that we do not know if he broke the law. Maybe he did, maybe he did not. When the judge says he is **guilty**, then we can say that person broke the law.

*Related words:* **charge**; **defendant**; **allege**; **allegation**; **guilty**. *What is this word about?* **people, police**. *Read the story:* **Story 3: Police Interviews**.



**suspended sentence** *n.* A suspended sentence is one way a judge punishes (**sentences**) an offender. A suspended sentence means the judge will make the offender stay in jail for part of the punishment, and then live in the community and obey rules for the other part of the punishment.

The judge will tell the offender four things; 1) How many months the offender will stay in jail, 2) what rules (**conditions**) the offender must obey after the offender gets out of jail, 3) how many months the offender must obey those rules, and 4) how many months the offender will spend in jail if he breaks those rules.

When a judge sends a person to jail the judge can use a suspended sentence to make the punishment (**sentence**) match both the crime and the **offender**. A judge will use a suspended sentence to show that the **crime** is serious and also help **rehabilitate** the offender.

Sometimes a suspended sentence is a '**wholly suspended sentence**' and sometimes the suspended sentence is a '**partially suspended sentence**'.

**Suggestion:** Instead of saying: "You are sentenced to 12 months imprisonment, suspended after 8 months with an operational period of 18 months."

Say: "I am sending you to jail for 8 months. Then you will come out of jail and you must obey the rules that I give you. You must obey these rules for 18 months. If you do not obey these rules, you will come back to court and then I will decide about sending you back to jail for another 4 months or maybe longer."

*Related words:* **offender**; **sentence**; **sentence conditions**; **operational period**; **partially suspended sentence**; **wholly suspended sentence**. What is this word about? **court**. Read the story: **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**swear** *v.* In court, to swear means to promise that what you say is true.

When a person swears that something is true in **court**, he is promising the **judge** that it is true. When a person swears that something is true but lied, he is breaking the law. Maybe the judge will punish him.

**More information:** In court, the word 'swear' means to promise that something is true. It does not mean to say swear words. That is a different meaning of this word.



*Related words:* **oath**; **court**; **judge**. What is this word about? **court**. Read the story: **Story 5: Getting a case to court**.

## T – t

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**telephone bail application** *n.* When a police officer **arrests** a person, that person can phone a **magistrate** and ask for **bail**. This is called a telephone **bail application**.

*Related words:* **arrest**; **suspect**; **magistrate**; **bail**; **bail application**. *What is this word about?* **bail**. *Read the story:* **Story 5: Getting a case to court.**

**Territory Government** *n.* This is the **government** for a Territory. It is like a **State Government**. There are two Territories in Australia, the Northern Territory and the Australian Capital Territory.

*Related words:* **State Government**. *What is this word about?* **government**. *Read the story:* **Story 1: Laws in Australia.**

**Territory Parliament** *n.* This is the **parliament** for the Northern Territory.

*Related words:* **parliament**. *What is this word about?* **government**. *Read the story:* **Story 1: Laws in Australia.**

**testify** *v.* Testify comes from the word **testimony**.

*Related words:* **testimony**. *What is this word about?* **court**, **evidence**. *Read the story:* **Story 5: Getting a case to court.**

**testimony** *n.* A testimony is the story that a **witness** tells in court. When a witness gives her testimony, she is 'testifying'.

When a **witness** tells her story in court, she must promise to tell the truth. She does this by an **oath** or by an **affirmation**. After she has done that, everything the witness says is her testimony.

*Related words:* **oath**; **affirmation**; **witness**; **give evidence**; **judge**; **court**. *What is this word about?* **court**, **evidence**. *Read the story:* **Story 5: Getting the matter to court.**



**three levels of government** *n.* There are three levels of government in Australia:

1. Commonwealth Government,
2. State or Territory Government,
3. Local Government.

Each of these governments have different leaders, and they have power to look after different things.

**More information:** The Australian **Constitution** says what areas of law the Commonwealth Government controls, and what areas of law the State or Territory governments control. The Commonwealth Government sits in Canberra. The Northern Territory Government sits in Darwin. Local governments are called shires, or councils. *Read the story: **Story 1: Laws in Australia**.*

*Related words:* **Commonwealth Government**; **State Government**; **Local Government**; **Constitution**. *What is this word about?* **government**.

**trial** *n.* A trial is a **court case** in the **Supreme Court** when a **jury** decides if the **accused** did break the law or did not break the law.

The jury will think about all the **evidence**, then the jury will decide.

**More information:** At the start of the trial the **judge's associate** will read the charge. The accused will say 'not guilty'. Then the **prosecutor** will bring the evidence against the defendant into the court. The witnesses will tell their story to the judge and jury. The jury will listen to the witnesses. The jury might also see other evidence, like CCTV videos, photos or weapons.

Maybe the accused will tell his story in court. Maybe the accused will not tell his story. The accused's lawyer will help the accused decide. Then the jury must think about all the evidence and use the **standard of proof** to decide if the accused did or did not break the law. This means the jury must decide if the accused is **guilty** or **not guilty**.

*Related words:* **court case**; **Supreme Court**; **accused**; **not guilty**; **guilty**; **jury**; **charge**. *What is this word about?* **court**. *Read the story: **Story 10: Jury trials in the Supreme Court**.*

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## U – u

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**unanimous verdict** *n.* **Unanimous** means 'everyone agrees'. A unanimous verdict is when all 12 people of the **jury** agree together that the accused is 'guilty' or they all agree together that the accused is 'not guilty'.

The **jury** must decide if the **accused** is **guilty** or **not guilty**. What they decide is called the **verdict**.

**More information:** When all 12 people agree, they will come back inside the court room. One person from the jury will speak in court and tell the court if the accused is guilty



or not guilty. Sometimes the 12 people on the jury will not agree and the judge will stop the trial. Then the judge might start a new trial with a new jury.

*Related words:* **jury**; **guilty**; **not guilty**; **verdict**; **accused**. *What is this word about?* **10 Jury trials in the Supreme Court**, **court**. *Read the story:* **Story 10: Jury trials in the Supreme Court**.

**under arrest** *adj.* This is another name for **arrest**.

*Related words:* **arrest**. *What is this word about?* **police**. *Read the story:* **Story 3: Police Interviews**.

**unlawful** *adj.* When a person does something but he does not have power from the law to do it, his action is unlawful.

**More information:** 'Unlawful' sometimes has a different meaning to 'illegal'. 'Illegal' means against the law, and 'unlawful' means without permission from the law. Sometimes these words mean the same thing, sometimes they mean different things.

*Related words:* **lawful**; **legal**; **illegal**. *What is this word about?* **laws**. *Read the story:* **Story 1: Laws in Australia**.

**unlawful assault** This is another name for **assault**.

*Related words:* **assault**. *What is this word about?* **laws**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**.

**unlawful entry** *n.* When a person breaks into a house or building to do something wrong (like **stealing**), without the owner allowing him to go into the building, that is called unlawful entry. Unlawful entry is a **crime**.

*Related words:* **crime**. *What is this word about?* **laws**. *Read the story:* **Story 3: Police Interviews**.

**used against you** *v.* This is another name for **used in evidence against you**.

*Related words:* **used in evidence against you**. *What is this word about?* **laws**, **police**. *Read the story:* **Story 3: Police Interviews**.

**used in evidence against you** *v.* 'Used in evidence against you' means that police will record a person telling his story about breaking the law. Then the police will take that recording to court. In court, the judge and other people will listen to that person's words to decide if that person broke the law.

Sometimes police will just say 'used against you'. They might also say 'used in evidence'.

**More information:** When police think that a **suspect** broke the law, police officers **question** the suspect and listen to what he says. They listen for stories that show that the suspect broke the law. Those stories are **evidence**. The police will take those stories to **court** where they will use them to show the **judge** that the **suspect** is **guilty**. This is called "used in evidence against you."

*Related words:* **evidence**; **suspect**; **questioning**; **judge**; **guilty**; **court**. *What is this word about?* **police**, **evidence**. *Read the story:* **Story 3: Police Interviews**.

## V – v

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**verdict** *n.* At the end of a **hearing**, the **magistrate** decides if the **defendant** is **guilty** or **not guilty**. What the magistrate decides is called the verdict.

At the end of a **trial**, the jury decides if the **accused** is guilty or not guilty. What the jury decides is called the verdict.



*Related words:* **defendant**; **accused**; **charge**; **hearing**; **guilty**; **not guilty**; **jury**; **unanimous verdict**; **magistrate**. *What is this word about?* **court**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court**.

**victim** *n.* A victim is a person who an offender hurt when the offender broke the law.

**Example:** John had an argument with his girlfriend, and this made him angry. John walked down the street and smashed a car window. The person who owns this car is called the victim. If a group of people, like a company or the government, own the car, then that group of people is called the victim.

*Related words:* **victim impact statement**; **crime**; **offender**; **criminal law**. *What is this word about?* **people**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court**.



**victim impact statement** *n.* This is a law-paper where the **victim** writes her story for the **judge** to read.

The **victim** writes his story with the help of a police officer or a person from **witness assistance**. The victim tells the **judge** the story about how the crime has hurt him. Because of this crime, the victim might have injuries on his body. Also, the victim might be worried or frightened or now has family trouble. Maybe the victim cannot go to work anymore.

**More information:** The prosecution will give this victim impact statement to the judge. The judge will read this statement and then think carefully about this when the judge punishes (**sentences**) the **offender**.

*Related words:* **victim**; **statement**; **police officer**; **prosecutor**; **witness assistance**; **judge**; **crime**; **offender**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**voir dire** *n.* A voir dire is when a judge decides if some **evidence** is **admissible** or not admissible. That is, the judge decides about letting some evidence come into the court room.

That evidence might show the **judge** or **jury** that a **defendant** did or did not break the law.

**More information:** The **defence lawyer** and **prosecutor** will both tell the judge why the judge must or must not let that evidence come into court. Then the judge will decide.

*Related words:* **admissible evidence**. *What is this word about?* **court**, **evidence**. *Read the story:* **Story 7: Contesting a case in the Magistrates Court.**

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## W – w

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**warrant** *n.* A warrant is a law-paper that a **judge** gives to **police**. This paper gives police the power to do the things the judge writes on the warrant.

There are different kinds of warrants. For example, a **warrant of apprehension** and a **search warrant**. Each kind of warrant gives police the power to do something different.

*Related words:* **warrant of apprehension**; **search warrant**. *What is this word about?* **legal documents**, **police**. *Read the story:* **Story 5: Getting a case to court**, **Story 2: Offence and Police Investigation.**

**warrant of apprehension** *n.* A warrant of apprehension is a law-paper that gives police officers the power to arrest a person and bring that person to court.

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This is also called a 'warrant'. The **police** will **charge** a person who breaks the **law**, but sometimes police officers cannot find that person. When this happens, a **judge** gives police a paper called a **warrant** which allows the police to **arrest** that person and bring him to court. When a defendant does not go to court on his **court date**, a judge might give the police a warrant to go arrest that person and bring him to court.

*Related words:* **police**; **charge**; **law**; **court**; **judge**; **arrest**. *What is this word about?* **legal documents**, **police**. *Read the story:* **Story 5: Getting a case to court.**

**wholly suspended sentence** *n.* A wholly suspended sentence is one way a **judge** will punish (**sentence**) an **offender**. It is when a judge thinks like this: "Because of the offender's **crime**, I must send him to jail. But there are good reasons why he should not be in jail. I will not send him to jail today, but I will give him rules to obey and tell him that he must not break the law. If he does not obey these rules, then I will decide about sending him to jail."

The offender does not go to jail but can go back into the community. He must obey everything that is written in the **sentence conditions**. Also he cannot break any laws during the **operational period**.

When the offender breaks the law again, or when he breaks any of the conditions, he will go back to court. The judge might send him to jail for the rest of his sentence. This is also called a 'fully suspended sentence'.

**Suggestion:** Instead of saying: 'I sentence you to 4 months, wholly suspended, with an operational period of 12 months.'

Say: 'Because of your crime, you should go to jail for 4 months. But I am not sending you to jail today. I will let you go home, but I am giving you rules that you must obey. You must obey these rules for 12 months. If you break the law again, or you do not obey these rules you will come back to court, and then I will decide about sending you to jail for 4 months, or maybe longer.'

*Related words:* **judge**; **crime**; **offender**; **jail**; **suspended sentence**; **sentence conditions**; **operational period**; **sentence**. *What is this word about?* **sentencing**. *Read the story:* **Story 8: How a magistrate sentences an offender in the Magistrates Court.**

**witness** *n.* A witness is a person who sees or hears anything that helps a **magistrate** or **jury** decide if the **defendant** broke the law.



**More information:** The police will look for witnesses when they are investigating a crime. The defendant can also find witnesses to help his story. Sometimes a police officer or lawyer will ask a witness to write a **witness statement**. Sometimes a witness must go to court to tell her story. In court, the words that a witness says is a kind of **evidence**. What the witness says is called her '**testimony**'.

*Related words:* **defendant**; **witness statement**; **police**; **magistrate**; **jury**; **testimony**. *What is this word about?* **people**. *Read the story:* **Story 2: Offence and Police investigation**.

**Witness Assistance Service** *n.* The Witness Assistance Service is a service from the Northern Territory Government to help **witnesses**. The Witness Assistance Service works with **prosecutors** to help **victims** and witnesses to understand what happens in court and support them when they tell their story (**give evidence**) in court.

*Related words:* **witness**; **victim**; **prosecutor**; **court**; **give evidence**. *What is this word about?* **court**. *Read the story:* **Story 9: The Supreme Court will decide the most serious cases**.

**witness stand** *n.* The witness stand is the place where **witnesses** sit to tell their story (**give evidence**) in the **court room**.

*Related words:* **witness**; **evidence**; **give evidence**; **court**. *What is this word about?* **court**. *Read the story:* **Story 4: Inside a Court Room**.



**witness statement** *n.* A witness statement is a law-paper that tells a **witness'** story about what the witness saw and heard.

A witness is a person who sees or hears anything that helps a **judge** to decide if a **defendant** broke the law. When **police officers** try to find out what happened (**investigate**), the police officers might ask a witness what she saw. The police will write that story on law-paper. Then they ask the witness to sign her name on that paper. That story is then called a 'witness statement'. When the witness signs the paper, she is promising that the story is true.

**More information:** When a witness tells a false story and signs her name to that paper, she is breaking the **law**. The police might **charge** the witness, and then a judge might punish her for telling that false story.

*Related words:* **witness**; **evidence**; **defendant**; **police**; **judge**; **investigation**; **charge**. *What is this word about?* **court**. *Read the story:* **Story 2: Offence and Police Investigation**.

## Y – y

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**Your Honour** *np.* When anyone talks to a **judge** or a **magistrate** in a **court** room, we must call the judge or magistrate, 'Your Honour'. We do this to show respect to the magistrate or judge. We never call them 'You' or say her name, because this is not respectful.

*Related words:* **judge**; **magistrate**; **court**. *What is this word about?* **people**. *Read the story:* **Story 4: Inside a Court Room**.

**youth** *n.* This is another name for **juvenile**.

*Related words:* **juvenile**. *What is this word about?* **people**. *Read the story:* **Story 3: Police Interviews**.



# Story 1: Laws in Australia

## The Australian Constitution

The Australian Constitution is the foundation-law for all the **laws** that are made by **Federal Parliament** and **State Parliaments**. The Australian Constitution is a legal document that tells the members of any **parliament** what they are allowed to do when they are governing Australia or any of the States or Territories. Everyone must obey these laws.

The Constitution can only change when there is a referendum to add to or change a small part of the constitution. In a referendum, Australia's citizens vote to say if they agree or not with the changes the government wants to make. Most citizens must agree before the Constitution will change. The Constitution says how members of parliament can make new laws, and what rules they must follow. It also says what laws the **Federal Parliament** can make and what laws State and Territory Parliaments can make.

The leader who makes sure the Federal Parliament follows the Constitution is the Governor General. S/he represents the Queen in Australia.

## The different parts of the government

The Constitution says that there must be three parts to the government in Australia. They are the **parliament** or legislature, the public service or **executive**, and the courts or **judiciary**. Each of these parts has its own power. No part can try to take over the power of any of the other parts. This is called **Separation of Powers**.

## This is how we get our law

We get our laws from two branches of government. The first is parliament. As citizens we vote to choose members of parliament at election time. There is one parliament in Canberra that makes laws for the whole of Australia, and another one in Darwin that makes laws for the Northern Territory. Other States and Territories also have their own parliaments.

The parliament in Canberra is called the **Federal Parliament** and the one in Darwin is called the **Northern Territory Parliament**. The laws that parliaments make are called **Acts**.

The other way we get laws is from judges in courts. A **judge** or a **magistrate** is a senior law person who has a special job to decide about legal problems. People bring their legal problems to court and a judge will decide what those people must do. People must obey what a judge tells them to do.



Judges write down what she or she decides in court. They started doing this a long time ago, and now, when a judge thinks about a giving a legal answer, he reads what other judges decided in the past. This helps him or her decide what to do. All the judges' decisions from the past, gathered together are called common law.

If anyone else makes rules, they are not law. Only parliaments and judges can make laws.

People have rules about good ways to live. For example, they might say, 'We must respect old people.' That is a rule telling us a good way to live, but it is not a law. When a man does not respect an old person we might say he is doing the wrong thing, but he is not breaking the law.

There are a lot of groups of laws. One group of law is **criminal law**. These are laws to stop people hurting other people. There is also **family law**. These are laws about marriage and families. Another group is property law. These are laws about land and buildings. Another group is **constitutional law**. These are laws about the government. All the laws that are not part of criminal law are called **civil law**.

*Related words:* **law**; **separation of powers**; **adversarial system**; **executive**; **parliament**; **legislature**; **judiciary**; **judicial**; **three levels of government**; **Commonwealth Government**; **State Government**; **Territory Government**; **Local Government**; **Act**; **family law**; **government**; **jurisdiction**; **legislation**; **prove**; **proof**; **legal**; **illegal**; **lawful**; **unlawful**; **standard of proof**; **burden of proof**; **presumption of innocence**; **innocent until proven guilty**; **criminal law**; **civil law**; **case**; **cabinet**.

## Story 2: Offence and Police Investigation

One morning a shopkeeper went to work at her shop. Someone had smashed a window, climbed inside and knocked over the shelves inside the shop. The shopkeeper phoned the police and said, "I'd like to report a **crime**. Someone has broken into my shop."

The **police officer** asked, "When did that **offence** happen?"

The shopkeeper replied, "Sometime last night."

The police officer said, "We'll send an officer to your shop to see what happened, to **investigate**."

Then a police officer went to the shop. He talked to people in the shop. He said, "I'm looking for **witnesses**. Did any of you see what happened last night?"

One man said to the police officer, "I saw them. I am a **witness**. I saw three boys standing outside the shop last night. I heard one of them talking about breaking into the shop and another boy was holding a metal pole."

The police officer said, "Who are they? Can you **identify** the offenders?"

The man said to the police officer, "I don't know who they are. I didn't see their faces."

Then the police officer took a **witness statement** from the man. He wrote down everything that the man said about the things he saw and heard. The police officer said to the shop keeper, "I'm going to look around for more **evidence** so we can work out what happened, to help with our **investigation**. Soon another police officer will come to take **fingerprints** from the **crime scene**, from inside and outside the shop. Until that man has finished his work, no-one can go near the shop."

Later that day, another person came to the police as a witness. He told them the names of the three boys that might have broken into the shop.

*Related words:* **crime; police officer; offence; investigate; witness; identify; offender; witness statement; evidence; fingerprint; crime scene.**

## Story 3: Police Interviews

Some people broke into the shop and afterwards someone came to the police as a witness. The witness told the police the names of the three boys that might have broken into the shop. The name of one of those boys was James. The police officer said to that witness who saw those three boys, "Thanks for helping us. Before that, we didn't have any **suspects** - we didn't know who might have broken into the shop."

After that, the police officer went to James' house and said to James, "You are under **arrest**, we are going to take you to the police station now. We think you may have broken into the shop."

Then the police officer asked James, "How old are you?"

James said, "I'm 18."

The police officer said, "All right, the law says you are an **adult**, not a **juvenile**. I'm taking you into **custody** and taking you to the police station for **questioning**."

At the police station, the police officer took James into an **interview room**, the place where police talk to the people they arrest. Two police officers were in the interview room together with James. Those two police officers sat on one side of a table and James sat on the other side of the table.

The police officer said to him, "James, you are here today for a police **interview**. We want to ask you about that shop. Someone broke into it last night. But, before I ask you about that, I will tell you about your **rights**."

"First, the law says I must **caution** you. You have the **right to remain silent**. You do not have to say anything. But, if you decide to say something, I will record your story with these two cameras. Later, your story might be **used in evidence against you**, we might play that DVD so the judge can watch it."

"This is another law. The law says you can ask us to bring a **support person** to be here with you. If you ask for a support person, I will stop talking with you and then I will try to find that person so they can come here and sit with you."

After that, the two police officers asked James about lots of things. James said to the police officers, "Us three boys broke into the shop last night. I will tell you their names."

After the two police officers heard all of James' story, one of them said to James, "We heard your **admission**, we have **evidence** from your story so we can **charge** you. We will write on paper the laws you might have broken. We are writing that you broke into the store last night. We call that **unlawful entry**."

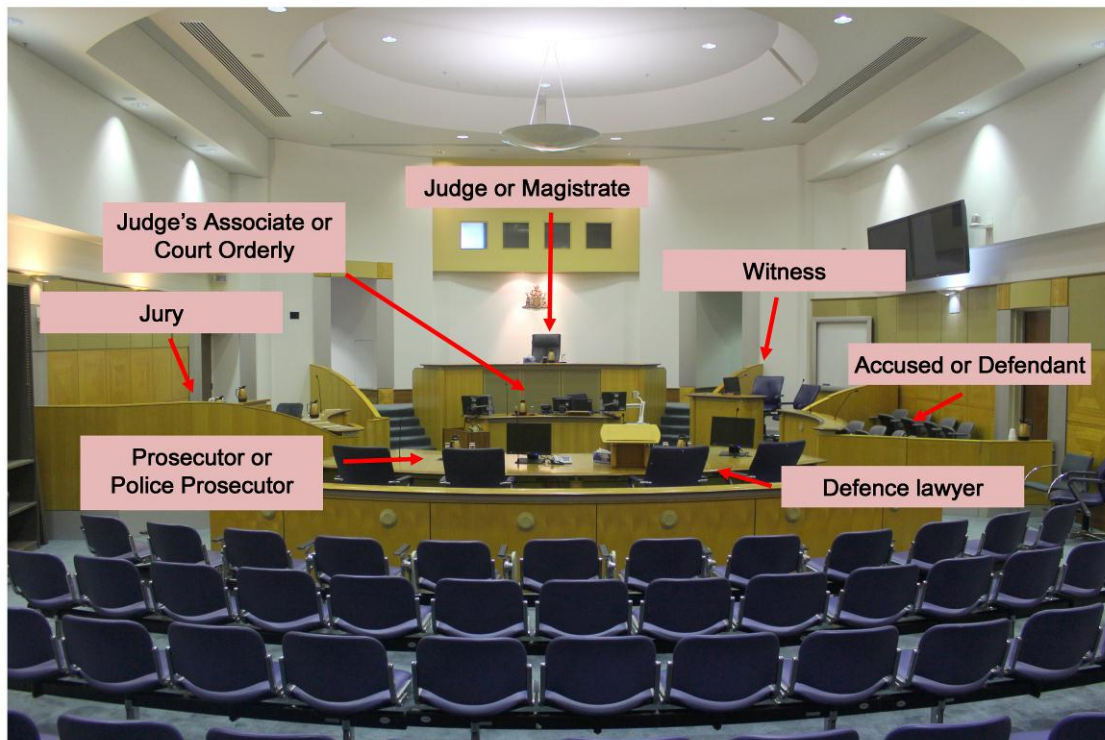
After that, James asked the police officer, "Can I go home now?"

The police officer said, "Yes, because you do not have a **prior record**, you have not been in trouble with the police before. Because of that, we will give you **bail** and let you go home. The bail paper has two **bail conditions**, two rules that you must obey. The first rule says you must not associate with the other two boys who broke into the shop with you, you must stay away from them. The second rule says you must **appear in court** next Monday."

Then the police officer said to James, "We will give your lawyer a copy of that DVD, the **electronic record of interview**, so he will know what all of us said." After that, James went home.

*Related words:* **suspect; arrest; unlawful entry; juvenile; adult; questioning; interview room; interview; police interview; right; caution; right to silence; used in evidence against you; support person; admission; admit; charge; prior record; bail; bail conditions; appear in court; Electronic Record of Interview; custody; possession.**

## Story 4: Inside a Court Room



*Related words:* lawyer; barrister; defence lawyer; client; defendant; accused; court; court building; court room; Supreme Court; Magistrates Court; judge; decision; magistrate; prosecutor; police prosecutor; judge's associate; court orderly; PPO; order; sentence; breach; parole officer; parole; earliest release date; Parole Board; Your Honour; dock; bar table; witness stand; bench.

## Story 5: Getting a case to court

When the police interviewed James, James said to the police, "Leon helped me break into the shop."

Leon was James' friend. So, the next day, the police went to Leon's house. They knocked on the door and Leon opened the door. The police asked Leon, "What is your name?"

Leon said, "My name is Leon."

Then the police asked Leon, "Can we come into your house and search it, look around for things?"

Leon said, "No. Do you have a search warrant, that paper that says you are allowed to?"

The police said, "No, we don't have a search warrant, but can we come in? Will you give us your **consent**?"

Leon said, "No, I do not want you to come in. I do not give my consent."

So the police did not go into the house, but they said to Leon, "We want to you come to the police station with us."

Leon asked, "Why do you want me to go to the police station?"

The police said, "We want to talk to you about some people breaking into the shop the other night."

So Leon asked, "Am I **under arrest**? Does the law say you can force me to go with you?"

One of the police officers held Leon's arm and said, "Leon Wilson, I am arresting you on suspicion of breaking into the General Store. That is, I am arresting you because we think that you broke into the General Store. You have the **right to remain silent**, but anything you say or do may be used against you."

When the police arrest someone, they will say how they think that person broke the law. And that person must stay with the police. Leon said, "But my wife is sick and I don't want to leave her alone."

The police officer said, "I understand, but you are under arrest so you must come with us. Maybe you want to make a phone call to ask someone to stay with your wife. I will wait while you do that. But if you try to run away, I will charge you with **resisting arrest**. Resisting arrest means you are trying to stop me from arresting you. If you resist arrest, you break the law."

So Leon rang his aunty and said, "Can you come and look after my wife? She's sick and I have to go with the police to the police station."

Then the police put Leon into the police van and drove him back to the police station. When they arrived at the police station, the police took Leon to the **interview room**. There they interviewed him. While they were doing that, they videoed him. This is called an **electronic record of interview**.

They said to him, "Tell us about breaking into the store."

Leon said, "First can I talk to a **lawyer**?"

So the police got a phone and rang a lawyer. Then they gave the phone to Leon and left the **interview room**. Leon then talked to the lawyer alone, without anyone listening.

The lawyer said to Leon, "You can choose to talk to the police or not to talk to the police. But if you talk to the police, maybe you will say something that shows you broke the law. So wait to tell your story to your lawyer at court. Don't tell your story to the police."



Then the lawyer kept talking on the phone, "You should tell the police your name and address when they ask for them. But when they try to ask you other things, it is good to say, 'I don't want to talk.'"

When Leon finished talking to the lawyer, the police came back into the **interview room**. Many times, the police said to Leon, "Tell us about breaking into the store."

But each time, Leon said, "I don't want to talk."

He said that many times so the police stopped asking him to tell his story. At the end of the **interview** Leon asked the **police officer**, "Can I go home now?"

The police officer said, "No, because you have **outstanding warrants** for missing court two times in the past."

Each time Leon did not attend court, a law-paper called a **warrant of apprehension** was written by a judge. This law-paper allows the police to arrest Leon because he did not go to court at the right time.

The police officer kept talking, "As well as that, you broke the law once before. Because you have a **prior record**, we will **remand** you. This means you will be locked up and wait in **police custody** until you go to court on Monday."

Leon asked, "Can I get **bail**? That way I can leave and come back on Monday. I want to go home and help my wife. She's sick and we've got a young baby."

The police said, "No, we are not giving you **bail**. You will be locked up".

The police also said "In the past, you have not come to court when you were told to, so we think you won't come to court on Monday if we give you bail. We will **remand** you. That means you must stay in **custody**, locked up. But if you want to, you can phone a **magistrate**. You can ask the **magistrate** for **bail** over the phone." This is called a **telephone bail application**.

*Related words:* **interview**; **search warrant**; **consent**; **arrest**; **suspicion**; **right to silence**; **charge**; **resisting arrest**; **warrant of apprehension**; **interview room**; **electronic record of interview**; **police officer**; **outstanding warrant**; **criminal record**; **abscond**; **remand in custody**; **bail**; **police custody**; **magistrate**; **telephone bail application**; **criminal offence**; **testimony**; **oath**; **affirmation**; **swear**; **administer an oath**; **crime scene**; **adjourn**; **adjournment**; **forensic testing**; **affidavit**.

## Story 6: Bail Applications in the Magistrates Court

At court on Monday, Leon's **lawyer** asked the **judge** to let Leon stay out of jail until his court case on another day. This is called a **bail application** for Leon.

When Leon's lawyer made this bail application, the judge said, "Leon has missed court 2 times before, and he has broken the law once before for the same sort of thing as this, so I do not think I will give Leon **bail** to wait for his court case later."

Then the judge asked Leon's lawyer, "Are there any special reasons why I should give Leon bail? If so, tell me what they are."

The lawyer said, "Leon will say, 'I am **not guilty**' for these charges."

And then the lawyer said, "There will be an important funeral at home next week, and his family wants him to be there."

Leon's lawyer talked to Leon's mother's brother, Leon's uncle Harry. The lawyer said to him, "Can you come into the court and talk to the judge? Tell him when the funeral will start, and how many days the funeral will go for, and tell him why Leon must be there."

Uncle Harry did that. He went into court and talked to the judge. He said, "We will start the funeral next week and it will go for 2 weeks. Leon must be at that ceremony and sing at the funeral. If he does not go there and do that then people might get very upset. The dead man's family might get upset with Leon and Leon's family."

After the judge listened to Uncle Harry's story and to Leon's lawyer, the judge decided to give Leon bail, but he made Leon agree to many **bail conditions**. That is, Leon had to promise to do all the things the judge wrote in the bail conditions.

The judge said, "One: You must live at your Uncle Harry's house, and stay inside the house every night between 8 o'clock at night and 6 o'clock in the morning. Two: You must not drink any alcohol. Three: You must not talk to James, or even be in the same place as James."

Then the judge told Leon, "This bail means that you promise to come back to court on the day of the contest mention, and also you promise not to break the law again."

After the judge finished talking, the policeman took Leon out of the court room and back to the court cells. Not long after that, a court worker went to talk to Leon in the interview room near the cells. The court worker read the bail conditions again to Leon and asked Leon, "Do you agree to obey these bail conditions? Do you promise to do all these things?"

Leon said, "Yes, I understand it. I agree with it. I promise to do what it says."

Then the court worker said, "Leon, this piece of paper is the bail agreement. I wrote the bail conditions on this paper. You must sign your name on it now to

show that you understand these conditions, and that you promise to obey them. This paper also tells you the date that you must come back to court."

The court worker asked Leon's uncle to sign another piece of paper so that Leon could leave the cell. This paper said that Uncle Harry would act as **surety** for Leon, which means that if Leon does not come back to court for the contest mention then Uncle Harry will pay \$500 to the court. Then Leon went home with his uncle.

Two weeks after that Leon went to have dinner with his cousins. After dinner he stayed a long time listening to music and talking to everyone. At about 9 o'clock, Leon started to walk home. A police officer found Leon walking home.

The police officer said, "It is 9 o'clock now. You promised the court that you would stay at your Uncle Harry's house after 8 o'clock every night, so you have broken that promise. You have **breached** your **bail**."

Then the police officer said, "I will give you one chance. You must not do it again. If you do, I will charge you with breaching bail, and then take you to court."

The police officer told Leon, "Go to Uncle Harry's house straight away. And the police will be back after 8 o'clock on other nights to check that you are at home and not breaking your bail conditions."

*Related words:* **bail**; **bail application**; **bail conditions**; **breach of bail**; **surety**;

## Story 7: Contesting a case in the Magistrates Court

The prosecutor wrote Leon's charge and the police story about it onto a law-paper, called an **indictment**, before Leon went back to court. Then the prosecutor gave that law-paper to Leon's **lawyer**. When Leon went back to court, he talked with his lawyer outside the court house.

The lawyer read that law-paper to Leon and said, "I will take your **instructions** now. Please tell me if the police story is true or not true and if you want to plead **guilty** or **not guilty**. Leon **instructed** his lawyer like this:

He said, "I did not break the law like the charge says. The police story is wrong. I will say, 'I am **not guilty**.'"

Then the lawyer said to Leon, "Tell me your story about that day when the police say you broke the law."

Leon's story was also part of his instructions which his lawyer wrote down. Then the lawyer said to Leon, "You want to plead not guilty. When you do that, the **magistrate** will **adjourn** your court case twice more. The first time will be to wait for a **pre-hearing mention**. At the pre-hearing mention, the magistrate will check that the **prosecutor** has already given me the **brief of evidence**. The

second time your case will be adjourned will be to wait for a **hearing**. At the hearing, the magistrate must listen to the witnesses. Then the magistrate will decide if you are guilty or not."

Then Leon and his lawyer went into the court room. The lawyer said to the magistrate, "Leon will **contest the charges**." That means that Leon was **pleading not guilty**.

Then the magistrate said, "I will adjourn this case for a **pre-hearing mention** in 6 weeks."

And then she said to Leon, "You must come back to court in 6 weeks."

The **police prosecutor** sent Leon's lawyer the **brief of evidence** before the pre-hearing mention. Leon and his lawyer read all the papers in the brief of evidence. They saw that there was some evidence that James had broken into the shop. There was a DVD which had pictures recorded by a security camera. There were also two witness statements. One statement was from the person who had seen the break-in and reported it to the police. The other was from his friend James.

At the hearing, the prosecutor asked James to tell his story. After that, Leon's lawyer asked James about his story. That is, he **cross-examined** James.

James said, "Leon went into the shop with me. we talked about it together, then the three of us went in."

The magistrate listened to the story from the other witness. Then she watched the DVD which had pictures showing the break-in. The magistrate saw that Leon was one of the people in those pictures.

Leon's lawyer said to the magistrate, "Your Honour, that DVD is not really clear. You can't be sure that Leon is one of those people who broke into that store. The evidence is weak. You should **acquit** him."

But the magistrate decided that Leon was guilty. She said, "I am satisfied **beyond reasonable doubt** that Leon did break the law. He is guilty."

*Related words:* **brief of evidence; instruct; instruction; contest the charges; precis; crown facts; information for courts; antecedents; contest mention; hearing; beyond reasonable doubt; acquit; guilty; plea of guilty; not guilty; plea of not guilty; verdict; admissibility; admissible evidence; cross-examination; give evidence; evidence-in-chief; voir dire; objection..**

## Story 8: How a magistrate sentences an offender in the Magistrates Court

The magistrate decided that Leon was guilty. Then she said to Leon, "I will **sentence** you now."

She then asked the prosecutor, "Does the offender have a **criminal history**?" That means, "Has a judge said he is guilty of breaking the law before?"

The prosecutor said, "Yes, the offender does have a criminal history. I will give you this law-paper called an **Information for Courts**."

Then the prosecutor passed that law-paper to the magistrate. The magistrate looked at that paper called Information for Courts and she read that Leon had broken the law once before when he stole a car.

Then the magistrate asked Leon's lawyer, "Can you please tell me more about Leon so I can decide how to sentence him? I want to know what he has been doing since he came to court last time."

Then Leon's lawyer said, "**Your Honour**, you can see on the Information for Courts paper that Leon has only been to court once before, and that was a long time ago, when he was only 17 years old. That means that he has been obeying the law for 5 years. But that night, he was drinking alcohol with his friends. He got very drunk and does not remember breaking into the shop. He knows that it is wrong to break into shops."

"Leon stopped drinking alcohol after he was charged with breaking into the shop. He has been sober for the last six months. He went to an Alcohol Rehabilitation Centre and is trying to **rehabilitate** himself. His counsellor from the Alcohol Rehabilitation centre wrote a character reference for him. I will pass that **character reference** to you now."

Then the magistrate read the character reference and said, "Leon, please stand up. I found you guilty and I will **sentence** you now. I must think about many things when I sentence you. I must think about **personal deterrence**, which means I must punish you so that you will not do this again. I must also think about **general deterrence**, which means I must punish you to show other people that they will also get punished when they break into shops. For the charge of unlawful entry, I sentence you to 3 months in prison. It will be **suspended** after one month. That is, you must go to prison for one of those three months."

"Then, instead of staying in prison for the next two months, you can go home but you will have an **operational period** of 12 months. A **PPO** (Probation and Parole Officer) will supervise you for that operational period. She will check that you obey the law. If you break the law again during that 12 months, you will go



back to prison for those 2 months, and any more prison time that a judge sentences you for the new crime."

That is how the magistrate sentenced Leon.

*Related words:* **supervision**; **supervise**; **supervision assessment**; **character reference**; **sentence**; **good behaviour bond**; **fine**; **community work order**; **community based order**; **community custody order**; **operational period**; **imprisonment**; **cumulative sentence**; **concurrent sentence**; **personal deterrence**; **general deterrence**; **rehabilitation**; **not guilty**; **sentence**; **suspended sentence**; **PPO**.

## Story 9: The Supreme Court will decide the most serious cases

Steve spent his last fifty dollars on the poker machines at the casino. He had no money to buy food so he did not eat anything for two days. He was feeling very hungry, so he decided to steal some money from another person.

Steve waited until night time, when it was dark. Then he put a shirt over part of his face to cover it up and walked to a park. When he came to the park Steve took a knife out of his pocket. He held the knife in his hand and ran towards another man.

He waved the knife at the other man and yelled at him, 'Give me your wallet!'

The other man felt very scared and so he gave Steve his wallet. Then the other man ran away. Steve took one hundred dollars out of the wallet.

Later that day the police came to Steve and **arrested** him. They searched him and found the wallet. Then the police **charged** Steve with breaking the law. The name of that law that Steve broke is: '**robbery** while armed with an **offensive weapon**'.

The police took Steve to the **Magistrates Court** but the **magistrate** said, "This is a serious **case**, so I must send it to the Supreme Court where a judge will decide what to do. This charge is 'robbery while armed with an offensive weapon'. It is an **indictable offence**, a bad crime. I must adjourn it for a **PEM** in 8 weeks." That meant they had to wait for 8 weeks for the next step in the **court case**.

Then the magistrate said, 'The prosecutor must **serve** the **brief of evidence** on the **defence lawyer** in 6 weeks.' This means that the lawyer who was working with the police, called the **prosecutor**, had to show Steve's lawyer all the **evidence** they had against Steve, and they had to do this before 6 weeks. That gave Steve's lawyer two weeks to look at it carefully before the PEM.

After 8 weeks Steve went back to court for the PEM. At the PEM the magistrate read the brief of evidence. The defence lawyer and the prosecutor both talked

to the magistrate. Each of them tried to make the magistrate agree with her story, and not agree with the other lawyer's story. When they each did this, they made **submissions** to the magistrate.

Then the magistrate said to Steve, 'I will **commit** this offence to the **Supreme Court**.'

When she said this she was telling everyone that this court case was serious. She could not finish it in the Magistrates Court. She had to send it to the most powerful court in the Northern Territory, called the Supreme Court. Then the magistrate adjourned the court case.

Steve had to wait for the Supreme Court to tell him to come to court.

On the day Steve went to the Supreme Court, they asked him, "How do you plead, guilty or not guilty?" When they asked Steve that, they were **arraigning** him. That day at the court was called the **arraignment** date.

The prosecutor wrote the charge against Steve on law-paper. This law-paper is called an **indictment**. When the prosecutor gave the paper to the court, he **filed** an indictment with the Supreme Court. The words the prosecutor wrote down told what they charged Steve with doing. The words said that he broke one law when he robbed a man while he was holding something that he might use to hurt that man.

Lawyers say it this way: "The indictment charged Steve with one count of robbery while armed with an offensive weapon."

*Related words:* **arraign**; **arraignment**; **brief of evidence**; **commit to the Supreme Court**; **count**; **defence lawyer**; **filed**; **indictment**; **offensive weapon**; **PEM**; **preliminary examination mention**; **robbery**; **serve**; **submission**; **Supreme Court**; **appeal**.

## Story 10: Jury trials in the Supreme Court

The day came for Steve's **trial** in the **Supreme Court**. The police took Steve from the jail to the **court room**, inside the Supreme Court building. Steve had to sit in the place in the court room called the **dock**. There are also seats in the back of that court room, where anybody can go and sit. Many people were sitting on those seats that day to watch the court case.

Steve's lawyer was with him in that court room. He was wearing a white wig and a black robe. The Judge was wearing a white wig and a red robe.

The Judge said, "**Arraign** the accused." This means, "Ask the defendant, 'Are you guilty or not guilty?'"

The **Judge's Associate** stood up and read the indictment to Steve. He said, "You are charged that you robbed a man named Peter and you were armed with an offensive weapon. How do you plead, **guilty** or **not guilty**?"

Steve answered, "Not guilty."

Then the court officers picked 12 people to be the **jury**. This is how they picked them. They gave each person in the public seats a number. Then they picked out 12 numbers and read them out to the court. When anybody heard the Judge's Associate read her number she had to get up, walk over and sit down in the special place for the jury. That place is called the **jury box**.

Then the trial started. At first the **prosecutor** spoke to the jury. She asked the jury to listen carefully to the **witnesses** when they told the court what they saw and heard, that is, when they **gave evidence**.

The first witness to give evidence in the trial was Peter. He came in and sat in the special place for witnesses. That place is called the **witness stand**. The prosecutor questioned Peter. This is called **examination-in-chief**.

Peter said, "A man robbed me in a park. I do not know who that man is."

After that the defence lawyer questioned Peter. This is called **cross-examination**.

The second witness to give evidence was a man named David. He was in the park when he saw somebody rob Peter. That is why the prosecutor asked him to come to court to be a witness.

So the prosecutor said to David, "What did you see?"

David said, "I saw a man rob Peter."

Then after that the defence lawyer questioned David. He said, "Did you see what he was wearing?"

David answered, "The man who robbed Peter was wearing blue jeans and a red shirt."

The third witness to give evidence was the police officer who arrested Steve. The prosecutor questioned that police officer and then the defence lawyer questioned him.

The police officer said, "I arrested Steve one hour after the robbery. Steve was wearing brown shorts and a white shirt. I searched Steve and found Peter's wallet. I looked in the wallet but there was no money in it."

Then Steve **gave evidence**. The defence lawyer questioned him first. Then the prosecutor questioned him.

Steve said, "I did not rob Peter. I was walking through the park and found a wallet on the ground. I looked inside the wallet but there was no money in it. I

was going to take the wallet to the police station but the police officer arrested me before I got to the police station."

After all the witnesses gave their evidence, the prosecutor and the defence lawyer each spoke to the jury. The prosecutor explained that she had the **burden of proof**.

The prosecutor said, "the law says that it is my job to **prove** that the accused is guilty, so I have the burden of proof."

And the prosecutor also said to the jury, "The **evidence** shows that Steve is guilty. He had Peter's wallet in his pocket."

The defence lawyer said to the jury, "There is not enough evidence for us to truly know that Steve is the one who robbed Peter. The man who robbed Peter had blue jeans and a red shirt. Steve was wearing different clothes."

The judge talked to the jury about what they had to do. He said, "You must decide if the accused is guilty or not guilty. You can only think about the evidence you heard in this court room, and then you must decide about it. If the prosecutor showed you enough evidence to make you truly know that Steve robbed Peter and you have no doubt, then you say, 'He is guilty **beyond reasonable doubt**.' If you think it could have been a different person who robbed Peter, it means you cannot truly know that the prosecutor is right and there is a reasonable doubt. You must say, 'He is not guilty.'"

Then the jury left the court room to decide if Steve was guilty or not guilty. The jury talked about the evidence until they all agreed. All 12 people agreed that there was not enough evidence against Steve. Steve was wearing different clothes so they did not know if it was him who robbed Peter. That is, they had reasonable doubt. So they decided that Steve was not guilty. All of them agreed, and this is called a **unanimous verdict**.

*Related words:* **arraign; burden of proof; dock; evidence; jury; jury box; witness box; standard of proof; trial; unanimous verdict; witness; beyond reasonable doubt; examination-in-chief; cross-examination.**

## Story 11: Parole

One night, John had a fight with his cousin Raymond. He picked up a knife and stabbed Raymond in the arm. Someone called the police and ambulance, and they came rushing to the fight. The ambulance took Raymond to the hospital where they operated on his arm.

The police officers talked to some witnesses and then they arrested John. Then the police charged John with 'causing serious harm' to his cousin Raymond. This means that he hurt Raymond very badly.

John pleaded guilty to the charge, which means he agreed that he broke the law when he stabbed Raymond and hurt him very badly. In the Supreme Court, the judge **sentenced** John to 3 years in prison with a **non-parole period** of 2 years. Then the court finished and John's lawyer came to speak to him.

He said, "Your **full term** will finish in 3 years from now but your non-parole period will finish in 2 years from now."

Then he said to John, "That means that after you stay in prison for 2 years you can **apply for parole**."

Then the prison officers took John to prison and he stayed in the prison for nearly 2 years. After that, a **PPO** came to talk to John. She said, "I will write a **parole report** for the **Parole Board**. The people on the Parole Board will read the report. They will decide about letting you out on parole or keeping you in prison."

John said to his **PPO**, "I want to go home and stay with my family. I want to ask for parole."

The **PPO** said to John, "Tell me about all of the programs that you did while you were here in prison, like programs for alcohol or anger. I will write about those programs in the parole report."

So John said to the **PPO**, "I finished a course about alcohol and I have been working in the prison kitchen."

John also said, "I have some family that I can stay with if I get out of prison."

The **PPO** told John, "I will come and talk to you again in a few weeks."

A few weeks later the **PPO** came to see John again. She read the parole report to John. This is what she had written: 'John was working hard in prison and he learned how to stay away from alcohol. John understands that maybe you will let him out of prison on parole. He plans to stay with some of his family and look for a job if he gets out on parole. He knows that if he gets out, the Parole Board will make a **Parole Order** to tell him what he must do. John understands that he must obey all the rules of the parole order.'



In the parole report, the parole officer also wrote, "I think it would be good to let John out of prison on parole."

The members of the Parole Board read that report. Then they met together and talked about John. The members of the Parole Board could not agree about John. They could not decide about giving him parole. Some people thought he would obey the order and obey the law, but other people thought that John would break the law again if they let him out on parole.

They decided to **defer consideration** of John's parole application, which means they wanted to wait and decide about it later on. The Parole Board said to the **PPO**, "We will give John parole, but he must agree to do another course about alcohol after he leaves prison."

The **PPO** came to talk to John again at the prison. She said, "The Parole Board wants you to do an alcohol **rehabilitation** program straight after you get out of prison."

John said, "Yes I would like to do that."

A worker from the alcohol rehabilitation centre came to the prison and talked with John.

After that, the worker said to the **PPO**, "We will allow John to do our program."

Then the **PPO** wrote another parole report for the Parole Board. One month later the Parole Board met again. They read the new parole report and this time they decided to give John parole.

The Parole Board made a parole order for John. These are the rules they wrote in the parole order:

1. You must report to your parole officer every week.
2. You must not drink any alcohol.
3. You must go to an alcohol rehabilitation program.
4. You must not break the law.

This parole order will finish in 11 months' time, when your full term ends.

The **PPO** said to John: "Don't break any of these rules. If you do, you will **breach** your parole order. Then the Parole Board will **revoke** your parole. That means that your parole will stop and the judge will send you back to prison for the whole 11 months."

Then the Parole Board gave John parole so he went back to live with his family. At first John obeyed all the rules in his parole order. But after 10 months he started drinking alcohol again and he was drinking alcohol almost every day. John breached his parole order when he drank alcohol.

The **PPO** told the Parole Board that John was drinking again, so the Parole Board **revoked** his parole.

The members of the Parole Board talked to each other and said this about John: "He did not drink any alcohol for 10 months. Those 10 months that he spent in the community on parole was his **street time**. But his parole order said he must not drink any alcohol for 11 months. Now he must return to prison for the whole 11 months. We do not shorten his prison time, even though he obeyed the parole order for 10 months. We do not think about the street time."

So John went back to prison for 11 months.

*Related words:* **defer consideration; full term; non-parole period; parole; apply for parole; Parole Board; parole order; parole officer; parole report; street time; breach; rehabilitation.**